

R E P O R T

FROM THE

SELECT COMMITTEE

ON THE

S T A T E O F I R E L A N D ;

WITH

THE MINUTES OF EVIDENCE,

A P P E N D I X

AND

I N D E X.

*Ordered, by The House of Commons, to be Printed,
2 August 1832.*

Jovis, 31st die Maii, 1832.

Ordered,

THAT a Select Committee be appointed to examine into the State of the disturbed Counties in Ireland, into the immediate Causes which have produced the same, and into the efficiency of the Laws for the Suppression of Outrages against the Public Peace; and to report their Observations thereupon to The House:—And a Committee was appointed of

Sir Henry Parnell.	Mr. Wyse.
Mr. Stanley.	Mr. James Grattan.
Sir George Murray.	Colonel Perceval.
Lord Viscount Ebrington.	Mr. Wallace.
Mr. Dawson.	Mr. J. E. Gordon.
Mr. Rice.	Lord Oxmantown.
Lord Killeen.	Lord Viscount Duncannon.
Mr. Conolly.	Mr. O'Connell.
Mr. Crampton.	The Earl of Onslow.
Mr. More O'Ferrall.	Mr. James Lambert.
Mr. Thomas Lefroy.	Mr. Chapman.
Sir Charles Coots.	Sir Edmund Hayes.
Sir John Burke.	

And they are to meet To-morrow, in the Speaker's Chamber, and have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

THE REPORT	- - - - -	p. 3
MINUTES OF EVIDENCE	- - - - -	p. 11
APPENDIX	- - - - -	p. [1, following p. 484, of Evidence.
INDEX	- - - - -	p. [123

R E P O R T.

THE SELECT COMMITTEE appointed to examine into the State of the DISTURBED COUNTIES in *Ireland*, into the immediate Causes which have produced the same, and into the efficiency of the LAWS for the Suppression of OUTRAGES against the Public Peace, and to whom the Petition of the High Sheriff and *James W. Rolleston*, one of the Grand Jury of the King's County for the re-enactment of the Insurrection Act, was referred;—HAVE considered the matters referred to them, and have agreed to the following REPORT:

THE COMMITTEE, in pursuance of the Order of The House, have inquired into the Disturbances which existed in Ireland at the time of their being appointed, and into the immediate causes of them. They have also inquired how far the Laws for suppressing illegal Associations and Insurrection are sufficiently strong and powerful.

2. The Committee have been occupied until within a few days in examining Witnesses; and therefore it is impossible for them, now that the Session is nearly at its close, and that several of the Members of the Committee are no longer in attendance, to prepare such a Report on the mass of information which has been obtained, as the great importance of the subjects referred to the Committee would, under other circumstances, render it their duty to draw up. This defect, however, will be in a great measure compensated by the quantity of Documents and Evidence which the Committee are enabled to insert in the Appendix. From these, the House will be fully competent to form its own opinion upon the Disturbances, the Causes of them, and the Laws for suppressing them. The Petition of the Magistrates of the Queen's County, and the very able Charges of the Chief Justice of the King's Bench and of Baron Smith, at the Special Commission lately held at Maryborough, and at the Spring Assizes, afford the fullest information with respect to the nature and extent of the Outrages and Disturbances which have taken place; and the numerous Witnesses who have been examined before the Committee supply full information as to the causes of them, and as to the provisions of the Law for inflicting punishment on the persons guilty of them. *See Appendix, pp. 78, 82, & 67.*

3. The Committee have great satisfaction in having it in their power to acquaint the House, that since they were appointed a considerable improvement has taken place in the state of the disturbed Districts.

4. On referring to the Evidence, the House will find that 'the change, in a great measure, is attributed to a Special Commission having been appointed to try the persons who had been apprehended as guilty of acts of insurrection in the Queen's County.

5. As the result of this Commission affords a proof that the Law, when vigorously administered, is adequate to put down outrages, the Committee feel themselves relieved from the necessity of taking into their consideration the expediency of strengthening it in the manner proposed in the Petition on which this Committee was appointed. They are nevertheless of opinion that it properly forms a part of their duties to examine whether some changes and additions might not be made in the Law, for the purpose of preventing crime, even in ordinary times, and of suppressing promptly illegal combinations against the Law, whenever they may hereafter be renewed.

6. It appears to the Committee, on making this examination, to be clearly established by the Evidence they have taken, that the powers for the administration of the Laws may and ought to be improved and rendered more effectual, as well for the prevention as the punishment of Offences; and they feel anxious that this should be done, because the efficient administration of the ordinary and established Laws will go very far to remove all grounds for requiring new and extra constitutional measures.

7. The defects in the means of administering the Laws consist principally in the Magistrates not having proper legal assistance in discharging what may be considered the technical and formal parts of their duties; in the insufficient means for investigating and tracing crimes, from their commission to the arrest of the delinquents; and also in great negligence and irregularity in conducting all the proceedings, from the time of the arrest until the delinquents are brought before the Judge and Jury for trial; and above all, in the want of some system for the speedy and immediate bringing to justice offenders against the public peace, so as to meet in an early stage the effect of Conspiracies to subvert the Law.

8. In order to provide a remedy for these defects, the Committee are of opinion, that instead of a Clerk of the Crown for each Circuit in Ireland, there ought to be, according to the plan recently acted upon by the Irish Government in the case of one Circuit, a Clerk of the Crown for each County; and that he should be made an efficient Officer for assisting the Magistrates in the investigation of crimes immediately on their commission, and in taking examinations. For this purpose he should have an office in the county town, and a sufficient number of clerks to attend and afford assistance to the Magistrates at the Petty Sessions, to receive their instructions, and to be ancillary to them in every respect in the discharge of their duties for the detection and punishment of crime. The establishing of an efficient office of this kind would not only very much contribute to render the Laws more powerful, in preventing the violation of them with so much impunity as is now the case, but it would also be of great value in introducing a salutary improvement in the discharge of the magisterial duties, by rendering their proceedings more strictly conformable to the forms and rules of Law; a circumstance which will lead to a more upright and efficient administration of justice, and go far at the same time to remove unfavourable impressions sometimes entertained by the people against the Magistrates.

9. In adverting to the late mischievous Associations in the Queen's County, under the name of Whitefeet, and the frequent recurrence of similar Associations in other parts of Ireland, the Committee, although impressed with the strongest disinclination to recommend any new Law which should in any degree be a departure from the established constitutional rule of Law, when they see by experience so much crime has been committed, and so much injury sustained, from time to time, from these Associations,

are

are of opinion, a Law might be passed which, without being in any degree a departure from the principles of the Constitution, would enable the Executive Government to put into force the administration of justice more speedily, and at a less expense, than can be done at present. But before they proceed to state the provisions of such a Law, they beg to remark, that although it is quite true, as has been stated by the Chief Justice of the King's Bench, in his Charge to the Grand Jury of the Queen's County, that the ordinary and regular Laws have been found sufficient to put down the various Whiteboy Associations which have from time to time existed, it is equally true, that in every instance every Association has made itself complete master of the County where it has been formed, and committed all kinds of crimes and enormities with impunity for a considerable period before the enforcement of the powers of the Law has produced a remedy. The practice of having recourse to a Special Commission, as the means of carrying into effect a vigorous application of the rigours of the Law, has led to this; and while this practice is the sole remedy which is had recourse to, the same result will necessarily occur, because the expense which attends the sending down of a Special Commission, and the difficulty of making out a case for it to act upon, must lead to postponing the appointment of it until a long time after an illegal Conspiracy has commenced its operations. In point of fact, although the Law has in general proved sufficiently strong and effectual for the ultimate suppression of Whiteboy Associations, it has not been effectual in affording protection to the Public against being exposed to the crimes and atrocities of those Conspiracies for a considerable period previous to their being completely repressed.

10. The first object of the Law which the Committee recommend to be passed, is to give power to the Lord Lieutenant of Ireland, if a case of violent disturbance of the peace by a Whiteboy Association shall actually occur, to issue his warrant for a special assembling of the Court of Quarter Sessions, at a period when, according to the ordinary course of the Law, it could not assemble; and if the occasion should seem to require it, to appoint a person of high standing at the bar to act as Assessor to the Court. The Court to try all Prisoners charged with Whiteboy and other offences below the rank of capital felonies; and to continue to sit by adjournment from time to time until tranquillity shall be restored.

11. The next object of this Law should be to give effect to a plan for checking Whiteboy Conspiracies on their first being formed, by preventing the Conspirators from assembling at Nocturnal Meetings. The following extracts from the Evidence in the Appendix prove how much the Farmers and other persons in the Queen's County, of all religious persuasions, desire that protection should be afforded by Law against the evil effects of these Nocturnal Meetings:

Evidence of Mr. Edge, p. 166.

2912. Is there a wish among the Catholic farmers to prevent men assembling at night, and that there should be a power given to take them up?—I have conversed with a great many, and there is an universal wish that such a law should be enacted that should prevent men assembling at night without being able to account for themselves.

2913. The question refers to the Catholic farmers; have the Catholic farmers that wish?—Yes, all the Catholic farmers.

EXTRACT from a Letter of a Deputation of Priests to the Lord Lieutenant of the Queen's County.

"The object of this association is to traverse the country by day and by night, and to co-operate with the constituted authorities for the protection of all peaceable subjects.

"The patrol should be, in our opinion, accompanied at least by a few of the military or police. As a considerable number of the deluded have, since the advice of their bishops, renounced their evil practices, the difficulty in overcoming the remainder is considerably diminished. This object could be easily attained by calling at the houses of suspected persons to try if they were at home, and if they were reclaimed they would readily answer; if not they might be watched; and as they are generally servants or labourers, they could be dismissed with safety under the protection of such an association. The efficient co-operation of all landlords, agents, and other influential persons, is earnestly solicited, both in the formation of this society and in the effectual execution of its regulations. We are concerned that these and no other constitutional means can render this country safe to inhabit, heretofore so distinguished for its moral and peaceable conduct."

Evidence of Mr. Bray, p. 204.

3553. Do you think that a law to enable persons to be taken up at night, who could not give a good account of themselves, would be useful, not alluding to the Insurrection Act?—A thought has crossed me: if persons who have been convicted as rioters or disturbers in any way, if besides the punishment of whipping or confinement, whatever it was, if the law would allow a stigma to rest upon those people, that they should be stigmatized as rioters for a year, or till the country returned to peace and order, and during that time magistrates should have the power to take them up at any time of the night; but to give them a right to take anybody up, I think would not be right.

3554. The question referred to those who could not give a good account of themselves, and who pay domiciliary visits, or persons going about at a time?—I should wish all such persons to be taken up, particularly if found with arms in their hands.

3555. If the country was decidedly in a disturbed state, would you say that it would be proper to have nightly patrols to take up persons out and not able to account for themselves?—Certainly.

3556. You think it would be useful?—Yes.

3557. Are you aware whether or not it is the opinion of the principal farmers of the country that such a power should be given?—I have heard Catholics, and I believe some Protestants too, trying to devise some plan of this kind to put a stop to these outrages, and they always regretted they could not get the magistrates to co-operate with them.

Evidence of Henry Smith, Esq. p. 260.

4468. When you say you know it, is it from conversation with persons of credit?—I hold a good deal of conversation with the farmers in my own neighbourhood, and I consult them frequently on the state of the country. I showed my plan to some of them, and they seemed to think it would have been an excellent thing some months ago, but they imagine that the thing may have gone rather too far for it now.

4469. Are they the Catholic farmers you allude to now?—Some Catholics. I showed it to the priest of the parish, and he seemed to approve of it.

4470. Be good enough to let the Committee have your plan?—I will. I have had it printed.

4472. You have said in your plan that you think it advisable there should be visits at night; do you think it necessary to pass a law to enable the magistrates or these parties to pay those visits?—You must either call the farmers and heads of families together, and propose it to them; I think it very probable they would not object to doing it; but, by the existing law, I believe you have no right to enter into a man's domicile without a warrant.

4473. Do you think there would be much objection to these sorts of visits when the country was in a state of disturbance?—I think not; but if there was any penalty attached to it, I should be very sorry to have to inflict that penalty. I think a magistrate should be more as a mediator between the severity of the law and the delusion of those people who go out at night; therefore I should feel reluctance to act under the Insurrection Act.

4474. Supposing the penalty was a very moderate one, or the punishment extending to arrest and detention for a certain number of hours?—I should not see any objection to that; but my idea is, that the individuals of a family being absent, should be called upon to account for their absence at unreasonable hours by some constituted authority.

4475. It is rather a plan to expose their absence, than to show they are parties to the outrages then committing in the district?—I am supposing that the country was in the same state as it was in the last six winter months, otherwise I would on no account intrench upon the liberties of the subject.

4476. Under those circumstances, you think it necessary to have these visits at night, in order to put a stop to those nocturnal assemblages?—I am satisfied that the radical evil consists in the assemblage of these parties for the purpose of paying their nocturnal visits, and that they commit acts of barbarity together that they would shudder at individually.

4477. Do you think that they could be checked by those night visits you have described?—They would, I think, to a certain degree.

4478. And that the farmers would generally approve of that partial infringement of the liberty of the subject under those circumstances?—It would be very necessary for the gentry of the country to require the concurrence of the clergy to it, both Protestant and Catholic; and if they were to make friends of them, and treat them with the confidence to which I think, from my own knowledge, they are generally entitled, a great deal might be done; but both clergy should be applied to. I am unwilling to make any distinction.

12. The foregoing extracts from the Evidence leave no doubt of the desire which prevails amongst the well-disposed of all persuasions, that the Legislature should place some control over Nocturnal Meetings in actual cases of the existence of Whiteboy Conspiracies and Crimes.

13. The Committee are of opinion that this control ought to be provided; but they wish that whatever authority shall be given to prevent Nocturnal Meetings should be placed under such Regulations as shall effectually prevent the abuse of it, and shall carry it as little as possible beyond the strict principles of the Constitution. For this purpose, they propose that this authority should never be acted upon except under circumstances of really urgent necessity, and never but in the presence of an Officer of high responsibility; and they also propose that the punishment to be inflicted on persons who shall be found absent from their houses in the disturbed Districts, shall be, in the first instance at least, of the slightest description. In making this suggestion to the House, the Committee would feel great reluctance in doing so, if they did not entertain a conviction that such remedial measures as may tend to remove the causes of crime would at the same time be adopted. They are fully of opinion that an increase in the rigour of the Law cannot alone restore peace to Ireland.

14. The new Law, in the opinion of the Committee, should provide, that whenever the Lord Lieutenant shall have appointed a General Sessions to be held for trying the minor Whiteboy offences, the Court shall be empowered, on a representation from the Grand Jury of the Sessions, to issue its warrant to give authority "for calling at the houses of suspected persons, to try if they were at home." The warrant to be executed always in the presence of a Magistrate, and the persons who may be absent from their houses to be summoned by the Court of Sessions, and if unable to give a satisfactory explanation to the Court of the cause of their being absent, a record to be made of the conviction of their absence. Those persons who shall be found absent a second time, to give bail for their good behaviour for twelve months, and in default of doing so to be committed to the County Gaol for one month.

15. Although the Committee have not sufficient time to give an opinion on each of the several causes which have been stated in the Evidence to have occasioned the recent Disturbances, there are one or two of them to which they beg to call the attention of the House. The removal of Tenants from farms at the expiration of old leases, is unquestionably a considerable cause of these Disturbances: and the Committee have considered this subject with the view, if possible, of getting rid of this source of evil. But the subject involves so many important considerations, such as the rights and duties of Landlords, the obligations of Tenants to fulfil the Covenants of their Leases, and the claims of Tenants on humane and indulgent treatment by their Landlords, that the Committee have not been able to discover any plan by which the Tenants removed may be altogether protected from being exposed to severe hardship. But at the same time they are of opinion that a plan may be adopted which will go far to alleviate the distress which is now too commonly experienced by the poorest class of Land Occupiers in Ireland.

16. What they have to propose is, that whenever the Landlord shall find it necessary to diminish the number of Occupants on his Estate, and be willing to give to a Tenant who has not the means of providing for himself, when removed, a sum of money, as we trust a Landlord will always be found willing to do, that then a further sum, bearing a fixed proportion

proportion to that given by the Landlord, shall be applied to the use of the Tenant out of some public fund, to assist him to emigrate, or in whatever other way it may seem, on further consideration of the Legislature, to be more advisable to apply the joint sums for the advantage of the Tenant and the interests of the Public.

17. The Committee are of opinion, that the principle of giving aid from a public fund to a removed Tenant is justifiable, in consequence of the Legislature having directly or indirectly interfered, and made no inconsiderable change in the condition of the poorest Land Occupiers, by the passing of several Acts of Parliament. These Acts consist of those for allowing Ejectments to be brought at the Quarter Sessions; for preventing Joint-tenancy, and for enforcing Covenants in Leases against alienation; by each and all of which the condition of the Lower Orders has been interfered with and changed. By the Act for bringing Ejectments, the facilities of removing Tenants are increased, while, by other Acts, the difficulty of the Tenants is increased, when removed from their old holdings, of acquiring new ones.

18. The Committee feel no doubt, that whatever may be the sum of public Money expended in the way they propose, the result will be a very ample remuneration to the Public, arising not only from the immediate and direct diminution of suffering and distress, but by checking the violation of the Laws, and saving large sums in the future administration of them.

19. There is another circumstance which contributes very much to the demoralization of the People and to the disturbance of the public peace, to which the Committee are anxious to call the attention of the House; namely, the extent to which Vagrancy and Mendicity prevail in Ireland. But they can only shortly allude to it, and suggest, though they have not time to do more than give a hasty consideration to the subject, the mere outline of a plan which appears to be calculated to diminish the evil.

20. The Committee are aware how nearly allied a remedy for this evil is with a Poor-law system; but it appears to them that a partial remedy may be applied, even if the apprehensions of the consequences of Poor Laws should deter the Legislature from introducing them into Ireland. We are fully aware of the large sums annually levied of the farmers of the country, by a class of sturdy beggars, and have no doubt that if the public were relieved from such exactions, the cause of real charity would be promoted, and a great source of disturbance and demoralization removed, without adding to the pressure which now prevails.

21. In reference to this subject, the Committee have in view the Laws in the Irish Statute Book for establishing Houses of Industry, which suggest some useful and practical regulations for the management of Vagrants and Mendicants; and it appears to the Committee to be by no means impossible, that if those Laws were improved in the way they admit of, they would provide a remedy in a great measure for many of the evils of Vagrancy and Mendicity.

22. So many witnesses have concurred in the great evils arising from the immoderate use of Spirituous Liquors, and the difficulties which exist of controlling persons who assemble in public-houses at periods of disturbance, that the Committee strongly recommend this subject to the early consideration of the Legislature. They are of opinion, that however desirable it may be to facilitate the sale of Spirits as a source of revenue, due care should be taken, in the issue of Licenses, and the Police of public-houses, that they may not be made the cause of crime, which it

is so much the object of the Legislature to prevent. The Committee more particularly allude to the class of persons usually selected for licenses, and the practice of increasing the number in retired parts of the country, where they are not required for public convenience, and also to the defects in the present state of the Law, which deprives the magistracy from the control which should be exercised over public-houses. In future, where a County shall be declared by the Lord Lieutenant to be in a state of disturbance, the public-houses of all kinds should be placed wholly under the control of the Magistrates.

23. The Committee are of opinion, that this licensing system is so defective, that even without reference to general disturbances, it ought to be completely reformed.

2 August 1832.

LIST OF WITNESSES.

<i>Mercurii, 6^a die Junii 1832 :</i>			<i>Martis, 3^a die Julii 1832 :</i>		
Matthew Barrington, Esq.	-	p. 11	Henry Smyth, Esq.	-	p. 259
<i>Jovis, 14^a die Junii 1832 :</i>			The Rev. James Delaney	-	p. 269
The O'Connor Don, M. P.	-	p. 32	The Rev. Michael Keogh	-	p. 272
William Wellesley Despard, Esq.	-	p. 36	<i>Mercurii, 4^a die Julii 1832 :</i>		
Colonel Ralph Johnson	-	p. 50	Edward Rotherham, Esq.	-	p. 281
<i>Sabbati, 16^a die Junii 1832 :</i>			Alexander Walker, Esq.	-	p. 290
Colonel Ralph Johnson	-	p. 60	<i>Jovis, 5^a die Julii 1832 :</i>		
Colonel John Stanton Rochfort	-	p. 68	Alexander Walker, Esq.	-	p. 301
Lieut.-gen. Sir Hassey Vivian	-	p. 82	<i>Veneris, 6^a die Julii 1832 :</i>		
<i>Lunæ, 18^a die Junii 1832 :</i>			William Fishbourne, Esq.	-	p. 308
Hovenden Stapleton, Esq.	-	p. 94	Colonel Percival	-	p. 315
Colonel Sir John Harvey	-	p. 116	James Napper, Esq.	-	p. 317
<i>Mercurii, 20^a die Junii 1832 :</i>			Myles John O'Reilly, Esq.	-	p. 324
Major-general Robert Crawford	-	p. 123	<i>Lunæ, 9^a die Julii 1832 :</i>		
John Dillon, Esq.	-	p. 138	Myles John O'Reilly, Esq.	-	p. 324
<i>Veneris, 25^a die Junii 1832 :</i>			<i>Mercurii, 11^a die Julii 1832 :</i>		
John Dillon, Esq.	-	p. 140	Myles John O'Reilly, Esq.	-	p. 336
Mr. John Edge	-	p. 161	<i>Jovis, 12^a die Julii 1832 :</i>		
<i>Lunæ, 25^a die Junii 1832 :</i>			Myles John O'Reilly, Esq.	-	p. 340
Mr. John Edge	-	p. 168	<i>Veneris, 13^a die Julii 1832 :</i>		
Colonel Ralph Johnson	-	p. 173	Robert Cassidy, Esq.	-	p. 361
<i>Jovis, 28^a die Junii 1832 :</i>			<i>Lunæ, 16^a die Julii 1832 :</i>		
The Rev. Nicholas O'Connor	-	p. 179	Robert Cassidy, Esq.	-	p. 374
<i>Veneris, 29^a die Junii 1832 :</i>			<i>Martis, 17^a die Julii 1832 :</i>		
Mr. John Bray	-	p. 199	Robert Cassidy, Esq.	-	p. 398
The Rev. John Burke	-	p. 208	<i>Mercurii, 18^a die Julii 1832 :</i>		
<i>Sabbati, 30^a die Junii 1832 :</i>			Robert Cassidy, Esq.	-	p. 413
Hugh Boyd Wemy, Esq.	-	p. 218	John Robinson Price, Esq.	-	p. 418
Matthew Singleton, Esq.	-	p. 230	<i>Jovis, 19^a die Julii 1832 :</i>		
<i>Lunæ, 2^a die Julii 1832 :</i>			Ensign Melville Gore Matson	-	p. 438
Colonel John Staunton Rochfort	-	p. 240	John Robinson Price, Esq.	-	p. 439
Colonel Sir John Harvey	-	p. 241	Major George Bryan	-	p. 445
Major George Bryan	-	p. 243	Myles John O'Reilly, Esq.	-	p. 451
The Rev. John Burke	-	p. 243	<i>Veneris, 30^a die Julii 1832 :</i>		
The Rev. James Delaney	-	p. 250	Thomas Birmingham, Esq.	-	p. 455
			<i>Mercurii, 25^a die Julii 1832 :</i>		
			Mr. John Cahill	-	p. 470

MINUTES OF EVIDENCE.

Mercurii, 6^a die Junii, 1832.

SIR HENRY PARNELL, BART.

IN THE CHAIR.

Matthew Barrington, Esq., called in; and Examined.

1. I BELIEVE you are the Crown Solicitor of the Munster circuit?—Yes; *Math. Barrington, Esq.*
and have been for 17 years.

2. Have you had opportunities of becoming acquainted with the associations commonly called the Whitefeet?—Not under that name, but under the various other names that the Whiteboy system has assumed at different times.

3. You consider this association as a sort of part and branch of the general system of association which has existed in Ireland for so many years?—I do. I find that the Whiteboy system has for the last 60 years continued under different names; as, Peep-o'-day-boys, Thrashers, Whiteboys, Righters, Carders, Shनावats, Caravats, Rockites, Black-bens, Riskavallas, Ribbon-men, the Lady Clares, the Terry Alts: these latter were the names they assumed last year in Clare. Now we have the Whitefeet and Blackfeet. The outrages have been of the same kind for the last 60 years; the only variation is, that the horrid torture called "carding" has not been used at all latterly; a few years back that system (which was a dreadful mode of torturing a person whom they wished to punish) was in frequent practice.

4. In speaking of the objects of the associations, some are alleged to be for a repeal of tithes, and others for different purposes?—They have always had objects connected more or less with land. The preamble to the Irish Act of 15 & 16 Geo. 3, almost describes the present state of the country. Associations have been formed for regulating the prices of land, attacking houses, administering oaths, delivering threatening notices, taking arms, taking horses at night and returning them again in the morning, taking away girls, murders of proctors and gaugers, preventing exportation of provisions, digging up land, destroying fences, houghing cattle, resisting the payment of tithes, and other outrages similar to those which have occurred in Clare last year, and which are now the subject of investigation in the Queen's Court.

5. In what year did that Act pass?—In the year 1775; and it was considered the first Whiteboy Act in Ireland.

6. Be good enough to explain what appears to you to be the cause of these several outrages?—Since I have been crown solicitor I have endeavoured to get at the root of the system by tracing each outrage to its immediate cause. A few of these cases will, I think, give much more information to the Committee than any general observations or opinions. I have traced the origin of almost every case I prosecuted, and I find that they generally arise from the attachment to, the dispossession of, or the change in the possession of land; hatred of tithe proctors prior to the Composition Act, and from the passing of that Act, until the last year, we had not in Munster a single outrage relating to tithe; previous to the Composition Act we had several murders of proctors. Then the compelling the reduction of prices of provisions, the want of employment, and in Clare the want of potato ground; the introduction of strangers as workmen. One of the outrages at Clare, for which 14 men were convicted, was that of a Kerry man going to get work in Clare; his house was attacked and prostrated. I have never known a single case of direct hostility to the Government as a government, although hostility to the law leads to hostility to the Government; but as to direct opposition to the Government, I never knew an instance of that being the object.

7. Can you mention any other cases?—The murder of Mr. Blood in Clare was by a gang of robbers, whose object was plunder; the murder of Maloney at

Alfred Harrington,
Esq.
6 June 1842.

Crutloe, in Clare, for taking a farm which another person had been dispossessed of. The attack on another Maloney in the same county, to compel him to set potato ground at a low rate (he died of the wounds he received); the attack on the Kerry men for going into that county to work; the murder of Mr. Hoskins in the county Limerick, for his father endeavouring to enforce payment of rent without allowing an abatement which it was said had been promised. The murder of Mr. Going, for being a magistrate under the Insurrection Act. A great number of cases for compelling parties to quit the farms they had taken, of which others were dispossessed; the persons refusing to quit their farms were in some instances murdered, in others severely beaten. Frequent cases of attacks on witnesses for having prosecuted; numbers of cases of taking arms, of which the people are desirous to be possessed; and numerous cases of armed parties committing burglaries and robberies on the poor farmers.

8. With regard to the case of Mr. Hoskins, you stated that he was murdered for compelling payment of rent; can you state if that rent was exorbitant?—The case was this: Mr. Hoskins was agent to the present Lord Courtenay, in 1821, and he thought to exact the rent which it was alleged had been abated. It was said that the war rents were reserved in the leases, which he sought to recover, although an abatement had been made to the tenants. This created an hostility to him, and the tenantry wished to get rid of him, and while there were disturbances in that part of the south of Ireland his son was murdered.

9. Was this when prices were exceedingly low?—Yes; he thought he had a right to establish what he said was the custom in England, of getting the rent reserved in the leases; if the tenant had the advantages of the high prices at the same rent, the landlord had a right to have the advantage of the rent reserved in his lease, when prices were low.

10. Did he seek to compel them to pay up an arrear which had accrued after an abatement had been made?—I believe he did in many instances.

11. Were any acts of severity used by him to enforce payment of these arrears?—There were a great number of ejections brought, and considerable expense and litigation.

12. Were not a great quantity of cattle pounded?—There were on that estate.

13. Had not the tenantry been previously brought to believe that Lord Courtenay had relinquished the whole of the arrears, and were they not under the impression that there was a breach of faith in the transaction?—I believe that was so; my duty was to prosecute the offenders, and in doing so I endeavoured to ascertain the cause of the outrage. The Captain Rock of Ireland was a tenant or resident on the estate; his name was Dillane. We took him as an approver, and it tended much to the peace of the county; he is now in America. That was the origin of the Rockites.

14. Have you, in your experience in Ireland, known great misery suffered by those persons who have been ejected from their properties, from having no provision made for them when they have been turned off their land?—I have, certainly. I knew one instance, which led to a desperate murder, on Lord Stradbroke's estate at Balboa: the farm was out of lease, and during the lease a great number of people had been allowed to reside on it; Mr. Blood, the gentleman who was murdered in Clare last year, took possession of the farm as agent of Lord Stradbroke, dispossessed the tenants, and levelled their houses, and they were all thrown out on the road; the succeeding tenant was immediately after murdered.

15. Do you conceive that if these people had been provided for by public provision, such as does not exist at present, that they would have broke out into these acts of outrage, as they did when they had no provision whatever?—If these persons had been provided for they would not have done so; that is, if they had not been dispossessed of their land.

16. If they had been provided for, they would never have been dispossessed?—If they had been provided for in some other way, I do not think they would.

17. Then you attribute a great deal of the disturbance and outrage in Ireland as much to misery as to wickedness?—I attribute it very much to the want of employment, and in many instances to the anxiety to keep land, promising any rent however unable they may be to pay it; an Irish tenant will offer any price for the land, and take his chance of keeping the possession. I attribute it sometimes to the over-setting land at more than its value, and then dismissing the tenant when he is unable to pay the rent promised.

18. Knowing

18. Knowing at the time that if he was turned out of that land he must starve? *Metth. Farrington Esq.*
—Perhaps so.

19. Can you explain to the Committee the origin of the term Whitefeet?—No, I cannot, more than supposing that it must have had some local origin, as the other names assumed by the disturbers of the public peace.

20. Can you explain what is the distinction between Whitefeet and Blackfeet?—No, I cannot, no more than between Black-hens and Riskavallas, but when any denomination is once taken they assume it throughout the country.

21. What should you say was the immediate cause of what is called the Whitefeet association that now exists in some parts of Ireland?—In the county of Clare they have been called either Terry Alts, or Lady Clares, or Rockites, and I have endeavoured to state what I should think was the cause.

22. Are you acquainted with the present association in the Queen's County, so as to know what their object is?—I am not; it is not within my district.

23. Are the people totally devoid of all property?—I think the persons generally concerned in the disturbances are the poorest description of farmers or labourers.

24. That is, they are persons seeking by force to keep possession of lands of which they have had notice of ejection?—Very often they are so; but I do not think they have a combined object. Every case of outrage has its own immediate cause.

25. Are they governed by any committees?—I never could find out any, except in one instance at Downraile; but there are oaths administered, and there are heads of parties, the most desperate character generally being the head or leader.

26. In Clare, when you came to discover ultimately the character of the association there, what did you find to be the governing principle in the individuals who conducted it?—Something local, generally.

27. Do you imagine that there were a great many individuals concerned in the association in Clare?—A great many; almost the whole peasantry of the county.

28. Do you conceive that a great many were managers and directors of it?—I find, on breaking up the system, that it was chiefly caused and commenced by a gang of robbers: these persons were executed; they were the men who murdered Mr. Blood, fired at and wounded Mr. Synge, and killed Mr. Synge's servant. They were four brothers of the name of Casey, and their friends, in all about 10 persons.

29. Do you think they have influence enough to lead as many as you have described into their schemes of insubordination and insurrection?—I think, if a desperate gang form themselves in any county in Ireland, the rest of the poorer people are either ready or are compelled to join them, and it runs like wild-fire through the county, if it is not checked in the first instance, to an extent that becomes alarming, as it always has done.

30. Do you imagine that any 6, 8, 10 or 15 desperate characters, arranging among themselves to introduce a system of association for the objects you have described, would find no difficulty in very soon placing a county in Ireland in a state of disturbance similar to any one of these you have mentioned?—Certainly; it has been so in every disturbance in each of the southern counties, from 1815 to the present time.

31. Do you believe that when men have so committed themselves in violation of the public peace, that it is almost impossible for them to recede, and they are obliged to keep that up in their own defence because they are not re-admissible into society?—I do not find that exactly; for very soon after disturbances have ceased, in which some of these men have been deeply engaged (where they have not been concerned in murder) they have become quiet and peaceable, and have returned to their former occupations.

32. Can you state what means are taken by these gangs to propagate these systems, as you have given the Committee to understand that there is a willingness on the part of the peasantry to commit crime?—I do not wish the Committee to understand any such thing; I believe the greater number join through terror and necessity, from the kind of houses they inhabit, and the retired situation in which they are placed. The parties to the murder of Mr. Blood went to the houses of many poor farmers to compel them to go with them. Some of these farmers told me that they were delighted to hear of their execution; they said so secretly, knowing I would not disclose it: they frequently made them join when they went out at night. Captain Rock (the man Dillane, who I have alluded to)

Marth. Harrington, told me that he has been obliged to threaten to fire at his own men to make them
Esq. attack a house.

6 June 1832.

33. What are the means by which they exercise these systems of intimidation over the lower orders?—By going to their houses at night, and swearing them to join, and he ready whenever they may be called on to take arms or to attack houses. If they refuse, or their wives and families should in any way prevent them, they were formerly carded, but latterly wounded or flogged, or some other punishment inflicted on them.

34. Is punishment nearly certain to follow the non-execution of what is ordered to be done?—Most certainly; and the consequence is, the whole peasantry of a county, not having any means of resistance, are obliged to join. When this system commences, the whole county is soon in a flame, if it is not discovered and instantly checked.

35. In the first instance the gang obtains the support of a great number of individuals?—Yes.

36. Does this intimidation operate further, so as to check the administration of the law?—It does; they are threatened if they attempt to prosecute or give any information, and they swear them not to do so. In 1821 the county of Cork and the bounds of Kerry were in a most dreadful state, the King's troops were attacked, and the people took possession of a town; there was a regular battle between the people and the light infantry and yeomanry of the county, at Deshare. The gentlemen took the rifle brigade behind them on horseback, and pursued the insurgents. A special commission was sent down, which quieted those counties at once.

37. Is it not usual, when gangs wish to establish an association, to get the people to assemble at harling matches, and there to propose the oath to them, and if any man refuses to take it, to have him immediately beaten?—I have heard of it in Tipperary, but I never knew of it taking place in my district.

38. You seem inclined to think that they go through the county to swear the people as a matter of business?—I have no doubt they do.

39. The parties who do this are sometimes, as was the case in Clare, not more numerous than eight or nine individuals?—If you trace back any disturbance to its origin in any of these counties, you will find that it arose from some trifling circumstance. In the county of Limerick it arose from the local cause I have mentioned on the Courtenay estate, and in Clare it was chiefly occasioned by the Cases.

40. What was it that led to it in the county of Clare?—The want of potato ground; and just previously there had been several contested elections, which brought the people much together, in addition to the extreme excitement of an election.

41. Had the individuals composing these gangs been conspicuous before, as persons committing breaches of the law?—No; they had rather been a quiet family: three of the brothers were executed. Soon after the disturbance was at its height they were apprehended, and each offered himself as an approver. It was not thought prudent to take either of them, but another man of the name of Sheehan was taken as an approver against them; each offered to betray all his companions. The great object should always be to have an approver in every case, as nothing destroys confidence or breaks up a gang so much.

42. You know very little of the Queen's County?—Only from rumour.

43. Your testimony is more relative to outrages that have taken place within the district with which you are acquainted?—Yes; within the Munster circuit, which includes Cork, Kerry, Clare and Limerick.

44. Do you consider that the same causes now operate to produce disturbances that did in the period to which you have referred, namely 1821 and 1822?—I do: I am perfectly convinced that the disturbances have arisen from some local cause, which, if not checked, will go on again. In Limerick, last year, some men crossed the Shannon from Clare, and got together a large assembly for digging up ground. At that time the law was not strong enough to meet any offence committed by day; it would have been a mere trespass in England. Mr. Vokes, the police magistrate, went out, read the Riot Act, and brought in some men, who were tried and convicted. The consequence was, that it checked the whole of the disturbance, and that county is now quite peaceable. If Mr. Vokes had not acted thus, in checking the disturbance at its commencement, it is probable that district would have been as bad as Clare in less than three months.

45. Your

Math. Barrington,
Esq.

6 June 1831.

45. Your testimony goes generally to the inflammable state of the community, that they are ready prepared, and want nothing but ignition?—To a great extent it is so; and the peaceable and well-intentioned people are always compelled to join. I do not mean to give such a character to the whole population of Ireland; but I take it that if there were 20 bad men in a barony, they would set the whole county in a flame, unless they were checked.

46. Then, if there are so few that excite these disturbances, can you give us any reason why it is that they are not arrested?—It is not known that they do excite them until after the disturbance has got to its height; you can generally trace back the disturbance to such a cause.

47. Then you know the persons?—Yes, and then they are generally convicted.

48. Is it your opinion, that if these few who excite the disturbances originally, were discovered at first, that it would have a tendency to cause the disturbances to cease?—No doubt of it.

49. Do you attribute the inflammable state of the population to the state of misery in which they generally are?—I do to a great extent; I seldom knew an instance where there was sufficient employment for the people that they were inclined to be disturbed; if they have plenty of work and employment they are generally peaceable.

50. Have you known instances of employment being provided by the Government for government works, and did that put an end to disturbances which had before existed?—Some years back I stated before a Committee that there was a district of country in which there were no roads, and where there was a great difficulty of apprehending culprits when they got into the mountains. The Government made several lines of road in the track of country between Kerry, Limerick and Cork. This was a district of 50 miles without either a magistrate or a road, and that part of the country has been peaceable ever since, though previously much disturbed.

51. Do you conceive that the giving the people employment would be the best remedy for these disturbances?—I have no doubt of it; if there was sufficient employment, there would be no inclination to disturbance.

52. Do you consider that these parties have any ulterior or combined object in view?—I never knew an instance of any hostility to Government appearing in any case in which I have ever been concerned as Crown prosecutor. There is the general dislike to witnesses and to magistrates, but not to jurors or persons acting in an official capacity. An instance occurred to me not a month ago: the Government desired me to investigate a tithe cause at Bilboa. At the auction of a cow, which was the subject of the investigation, it had been thought necessary to take out two pieces of artillery, a squadron of lancers, and some companies of Highlanders. I held the investigation in Limerick, but the Roman-catholic clergyman, whose cow was seized, wrote to me that, if a fair investigation was intended, I ought to hold it on the spot. I determined that he should have no reason to complain, and to go to the place where the occurrence had taken place, and where four men had been wounded, the place being in a great state of excitement. I applied to the commanding officer, and he did not wish to give a small escort (in which he was quite right), and said that I might take a large one; but knowing that I had to discharge an official duty, I determined to go without any escort. I went to the spot where the occurrence took place, and held the inquiry, examined the priest and every one he brought forward, and made my report to Government, and I had no fear whatever.

53. You have found no substantial person possessed of property ever engaged in these disturbances?—I have never found any but the lowest occupiers of land. I do not even recollect an instance of any man of any substance, except three or four years ago, at Doneraile, some farmers were concerned in an outrage.

54. Did you understand that these people had joined willingly, or from necessity or intimidation?—That case never came to such a result as to trace its origin sufficiently.

55. And that is a solitary instance?—It is.

56. Have you generally found that farmers of substance, finding themselves getting into arrears, on a disturbance coming into a county, look rather favourably on it as a probable means of their continuing their farms?—I cannot say that they have done so.

57. Have you ever known farmers' sons connected with these disturbances?—Very frequently. There was one executed for the murder of Mr. Blood; and the father would not believe it until Mr. Blood's watch was found in his house, and

Math. Barrington,
Esq.

6 June 1832.

it was said that he was so indignant that he would not see his son previous to his execution, though the rest of his family did. That was a person of the name of Quilivyn, who latterly became a bad character, and much addicted to drinking.

58. Do you make any difference between seduction and intimidation?—There is very little seduction; it is a willingness to join, or intimidation; they compel them by going to their houses at night.

59. Does it appear that this young man was compelled?—No; he was a most contrite person after he was convicted, and acknowledged it was from wickedness.

60. When these men take the oaths, does it appear to you that they continue among the disturbed people through the influence of the oath, or the intimidation that is continued?—Through intimidation; they do not mind the oath much.

61. What is the state of the counties now within your circuit?—I think there are not more peaceable counties anywhere than the whole district of the Munster circuit, comprising the counties of Limerick, Kerry and Clare, and the great county of Cork, which is as large as three counties: I never knew it more peaceable. In the beginning of last year some Kerry men came to Mill-street, in the county of Cork, to buy potatoes. The people said they would not sell potatoes to the Kerry men, and they cut off the ears of their horses; the circumstance was thought nothing of by the magistrates, and the men were hailed. At the assizes I prosecuted them, and convicted two men capitally for the injury to the horses. They were not executed, but the effect of the conviction most probably prevented the whole of the county being disturbed.

62. Is there any extraordinary force of police kept up in each county?—Not more than the ordinary police. There are some extra police still remaining in the county of Limerick, under the command of Mr. Vokes.

63. Have you learned that at the quarter sessions in Clare people have been processed for the difference between the rent enforced by the Terry Alts and the legitimate rent of the potato grounds?—I have no knowledge of that.

64. Do you consider that these disturbances have any origin whatever or connection with the political feeling of the country?—I have never found them to have any.

65. Then the Committee are to understand that in your opinion they are simply agrarian?—Certainly.

66. Do you consider that in Ireland property is as secure now as it was some years ago, and that the facility of letting land is as great as it was 10 or 12 years ago?—I think property is as secure in Ireland now as it ever was; and so much am I of that opinion, that at this moment I know some friends who are selling English estates to buy in Ireland.

67. Have you found the prices of land increase within the last few years?—The rate of purchase has; I do not mean as to the letting of land, but the rate of purchase of land has increased.

68. Can you state to the Committee what the increase of the rate of purchase has been within the last five years?—I should think from 18 to 23 years' purchase, the average being from 18 to 22.

69. Do you speak of lands that have no prospective increase?—I do. I should think, from 18 to 22 years for the rack-rents, according to their locality. I refused to sell a very large estate, for which I was offered 23 years' purchase, but I would not sell it at that price, though it was without any prospective increase except being fairly let.

70. And locally to continue at the same rent that it was sold at?—Probably, unless a rise in prices.

71. What county was that in?—Meath.

72. Do you mean to say that generally of all Ireland that you are acquainted with?—No.

73. Is it so in Munster?—I do not know what is the average price there. I offered within a few days 22 years' purchase on the fair annual value for land in Limerick.

74. Professionally, do you mean?—I offered it for myself, and I refused professionally to sell land in Meath at less than 25.

75. Do you believe that five years ago land would have been sold at 25 years' purchase?—No, I do not. I think the average was 18.

76. What do you consider to be the present state of Ireland as to disturbance or tranquillity, with reference to what it was some years ago?—I can only judge from my own district, except, as to the rest of Ireland, from the same means

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of judging that the Committee have. I certainly think the state of my district more quiet than ever I knew it, and it has generally been the seat of every disturbance.

Matt. Berrington,
Esq.

77. Is property so secure in Ireland that where tenants are dispossessed of farms, successors may be appointed to them?—No; I have been describing that as generally one of the principal causes of the disturbances.

6 June 1832.

78. A possessor of land has not the power of ebliging his tenant?—Not without the risk of his successor being attacked.

79. Is there any unwillingness to take land on that account?—That may be an objection to buying it, but there is no objection to the settling of it.

80. Do you attribute the tranquil state of Munster to the strong measures adopted there?—I attribute it to the vigorous and persevering administration of the law in its usual and ordinary forms.

81. Do you not conceive that the landed proprietors have become more lenient to their tenants of late years, from fear of causing disturbances in the country?—I know not from what cause, but during all these disturbances in Limerick, a younger brother of mine has managed estates of near 50,000*l.* a year, belonging to Mr. Gascoigne of Yorkshire, the Earl of Limerick, and others, and there has been very little disturbance on them, and little change of possession.

82. Was the rent paid very regularly on Mr. Gascoigne's property?—Yes; there was but one outrage, and that was the murder of a keeper on an under-tenant's land, where there had been dispossession of the person who held it, by the middle-man.

83. In the estate you have just mentioned, were the rents paid by the occupying tenants greater on an average than on the other estates surrounding?—They were in general fair rents.

84. Are they equal or less than the rents of the surrounding property?—I think equal to the surrounding estates; I mentioned this case as that of an estate in the same county with the Courtenay estate, where the disturbances originated.

85. Are the rents there generally higher than in those bounding it?—They were at that time.

86. What may be the average of the rents on the estate to which you allude?—There are different kinds of soil.

87. Take the average?—I should think 2*l.* the best quality, and under 1*l.* the worst.

88. Was it 2*l.* per acre that was attempted to be enforced on the Courtenay estate?—I do not know the amount of the rent that was attempted to be enforced.

89. I believe that case was one of a great mass of arrears on the Courtenay estate?—Yes.

90. Have you known instances where property was well managed in a different county, that the disturbers of the peace have never interfered between landlord and tenant, in that property?—I do not think they are very anxious for an exception of the kind, if they can get people to join them. They will of course avail themselves of the excited state of the tenantry on the estate that is worst managed.

91. Have you not generally found that disturbers have come from estates the worst managed?—Generally.

92. Where estates are well managed, persons have been convicted from these estates?—Seldom as to the immediate tenants, if there has not been any change of possession.

93. Do you not conceive that the good management of an estate is that of not too frequently changing the tenants?—I do, most certainly; I think it is a very bad plan, the auctioning land.

94. In general where disturbances have occurred, has it not been from auctioning land?—To the change of possession you may trace many of the disturbances.

95. Is not the auctioning of land very much given up among some of the estates in Ireland?—I think very much.

96. Has not the occupying tenant generally got the preference of a lease?—I think the tenant is seldom dispossessed if he will give the fair value, unless he be heavily in arrears.

97. Are you not of opinion, from your knowledge of Ireland, that the disturbances that have arisen may be mainly attributed to the bad management of

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Metcal, Barrington,
Esq.

6 June 1832.

handed property?—I can hardly say from the bad management; it would be very hard to say that it was mismanagement in the instance of Lord Stradbroke, when his land when out of lease was covered with an immense population to almost the whole value of the farm.

98. Do you think that he was justified in turning away the whole of that population?—That is more matter of opinion.

99. Could he have preserved his property if he had not done so?—That depends on his mode of setting it. He had no option but to dispossess the people to enable him to set it in larger-sized farms.

100. What would be the influence of that on the peasantry?—The person that got the farms was murdered.

101. Do you not attribute the disturbances to the mismanagement of property?—I stated it was generally owing to a change of possession of land.

102. Can you state the particulars of Lord Stradbroke's case?—I have stated it already.

103. When you speak to the real value with reference to the rent of land, what is your notion of that; what do you mean by that expression?—A fair rent offered for it; I think no landlord in Ireland would be inclined to turn out a good tenant where his rent is even reasonably paid.

104. You are sufficiently acquainted with the practice and habits of landlords to be able to say whether, generally speaking, they do actually exact more rent than what is a fair rent, when they make bargains for leases?—I do not think they do; I do not think the landlord takes more than the fair value of his land.

105. In regard to the general principle that governs their conduct, do you think they endeavour to alter the rate of rent, that it may be fair with respect to the tenant, and secure as to the payment to themselves?—I do; and I think the land on an average is lower set in Ireland than in England, when you consider the comparative size of the Irish and English acre, and the difference between England and Ireland as to taxation.

106. Have you examined into this point, so as to be able to form an opinion as to whether rents, generally speaking, are higher in Ireland than in England?—Not with any precision; I can only give a general opinion from what I have heard of the prices of land in England, and what I know them to be in Ireland.

107. Do you take into your account that in England the landlord provides the gates and draining of the farm, when you compare the difference of rent between England and Ireland?—The difference between the English and Irish acre I think would pay it.

108. Can you state the outgoing of a tenant in Ireland, and on the going into a farm?—There is the grand-jury tax and the tithes.

109. I allude to his building; what is the general state of a farm in Ireland when it is let?—That depends on the landlord; in many instances landlords build houses for their tenants, and in other instances they leave their tenants to put up what kind of hovels they like. Some landlords encourage their tenants by giving them timber for their houses; or if a man builds a stone wall he will get a roof, or an allowance in his rent.

110. Are the prices of produce in Ireland, generally speaking, lower than the prices of produce in England?—They must be.

111. Is it possible that a higher rate of rent can be paid in the country which has the lowest prices?—I do not say that a higher rate of rent is paid.

112. Is not rent necessarily governed by the price of produce?—Of course it must.

113. May it not be governed by the greater privations of the tenants in Ireland than in any other country?—The Irish have no capital as tenants; the English have.

114. Irish tenants live much worse than English tenants?—They do.

115. A great deal of what ought to go to their comfort and sustenance goes to the landlord?—It goes to pay the rent.

116. Is not the landlord, the absentee, deceived in the value of his land by the number of offers that come from persons without considering their ability to pay?—I would never take offers as a criterion for the value of Irish land; the occupying tenant will offer any price. I have known instances of land being given to the occupying tenant for considerably less than the rents proposed by others. I have known my brother recommend to Lord Limerick and Mr. Gascoigne

coigne the proposals from the tenants in possession, though less than what others proposed, and they have got the land at a less rent than others have offered.

117. Do you not know that many people, by settlement, are obliged to let their property to the best bidder?—At the highest fair value, not to the highest bidder; at a full and fair improved rent.

118. Do you not think that a reason why a higher rent is not paid in Ireland?—I do not admit that fact; on the contrary, I think that a lower rent is paid in Ireland than in England.

119. Can you calculate what are the outgoings, as far as you can say, in the grand-jury tax, tithes and others?—I cannot tell.

120. Do you conceive that the persons selected in Ireland for agents are generally fit for their situations, from their knowledge of the country and their attention to their duties?—I do, in many instances; I have known a great many excellent men who were agents.

121. Does it not frequently happen that the agent of an estate is a remote county resides in Dublin, and only visits the tenants when he goes to receive their accounts?—It does; and for that very reason I refused an agency of above 23,000 *l.* a year, although it was only within 25 miles from Dublin. I think no man who is an agent should reside out of the immediate vicinity of the estate.

122. Are you aware that in England agents and managers of estates only visit their tenants once a year?—That is a different thing, as the rents are paid on a certain day, but in Ireland agents ought to be on the spot, and know the wants and feelings of every tenant on the estate.

123. Are there many agents in Ireland that do that?—There are a great many. I know several. The agent who was appointed to the property that I refused, resides on the estates, which are situated in the counties of Meath and Cavan; in the south of Ireland there are several other instances of the kind.

124. Speaking generally, do agents act in the way you have just described?—I cannot say generally.

125. In point of fact, he does the duty which the proprietor would do if he were not absent?—He does.

126. What counties are you chiefly acquainted with?—Cork, Limerick, Kerry and Clare.

127. Can you state the quantity of absentee property in these counties?—There is a great deal of absentee property; there is Lord Powis, Lord Egremont, Lord Conyngham; and in Limerick there are two very large estates of absentees, Lord Stradbroke and Lord Courtenay.

128. And Mr. Gascoigne?—Mr. Gascoigne is an absentee, and I do not believe there is a better managed estate in the country, or a more contented tenantry.

129. Can you state any other?—There is Sir Matthew Blakistone and Lord Decies, whose agent, Mr. Collis, is an excellent one; and Lord Courtenay has a very good agent, a Mr. Furlong.

130. These are resident agents on the estates, who act the part that the proprietor would do if he were present?—Yes: the effect of this agent on the estate has been very much felt there; there has been no disturbance on Lord Courtenay's estate since the murder of Mr. Hoskins.

131. Having stated to the Committee that a landlord in the present state of Ireland cannot choose his own tenantry, he so good as to explain how it is, in your opinion, that property in Ireland is more secure than it was?—I cannot give you any reason why it is more secure, but that it has risen in price, and I do not think it would have so risen if it was not considered more secure. I do not say that a landlord cannot change his possession, but he certainly runs the risk of outrage in doing so, in many instances.

132. Have you not stated to the Committee that where a landlord has changed his tenantry, as is the case of Lord Stradbroke, disturbances have followed?—In many instances they have; but I do not say it is the case in every instance. The case of Lord Stradbroke was a very desperate case; there was a great number of people turned out on the road, and their houses levelled on the same day. If they had been gradually dispossessed, I think they might have been got out quietly; but they were all dispossessed without any place being given to them. On Mr. Gascoigne's property some poor people were dispossessed, and they got a piece of ground each on his mountain, and were perfectly satisfied, and have been improving the ground ever since.

Montk. Barrington,
Esq.

6 June 1831.

133. Have you known instances in which landlords in removing pauper tenantry have given them any means of providing an existence elsewhere, which have been productive of public disturbance?—No. In the case of Mr. Gascoigne the poor people that were provided for went away quietly.

134. Where a person has got a place on a mountain, has it in any such instance tended to disturb the public peace?—I do not know of such instance.

135. Are you acquainted with the management of Lord Headley's estate?—I have gone through it. It is near Rossbeg, in Kerry, and I believe there is not a better managed estate in the country.

136. He took pains to provide for his tenantry, and not to turn off any?—Yes; and to his own advantage, for he has trebled the value of his estate.

137. He has improved his estate by preserving the tenantry on it?—He certainly has improved it, and given great employment to the people. He is considered to be an excellent landlord, and has benefited his property very much.

138. You are not aware that he has turned out his tenantry?—I am not.

139. Are there not mountain districts in Clare that afford certain refuge for public offenders, and are the laws ever put in force in the parish of Feakle?—There is a great district of mountain country about Feakle, and generally speaking it is a great advantage to the public peace to have those districts intersected with roads and lines of communication.

140. Are there any means of arresting offenders who take refuge in the parish of Feakle, in the county of Clare?—Not by direct pursuit of them, and unless they are from home and some informer gives information where they are to be found at night, and then they are taken.

141. Then it is by stratagem alone, and not by open pursuit, the offenders can be taken in these mountain districts?—Certainly.

142. Are you not aware that there is a great paucity of magistrates in these mountain districts?—I am, in several mountain districts.

143. Are the laws in this district put in force as they are in other parts of the country, or is it the habit of the people not to attend to the laws?—The more wild the country is the more easy for the people to evade the laws, and the less chance is there of their being detected.

144. In the cases of dealing between the people, is it by compromise the parties settle their affairs, or do they come forward and obtain their rights in the civil courts?—I cannot say. I know little about the practice of the sessions court latterly.

145. Is there a power of executing decrees in these mountain districts in the dealings between man and man?—It is much more difficult to execute any decree in a mountain district where you have scarcely a mode of getting into it.

146. Do you not conceive that where there is a great difficulty in executing civil process, that tends in a great measure to accustom the people of the district to breaches of the public peace?—I conceive that every breach of the law must still farther accustom the people to violate the public peace. The great object in Ireland is to make them respect the law as they do in England, where if a man picks your pocket, everybody is ready to assist you in apprehending the offender; but if a man does so in Ireland, they will hustle you to let him escape.

147. Have there not been instances of workmen being actually murdered in the moon-day, in the presence of persons, none of whom have come forward to prosecute?—That is frequently the case in Ireland; there is a kind of chivalrous feeling in thinking it an honour to protect any man who is charged with an offence.

148. Do you not think that the opening a communication into these districts by means of roads, would be the means of obtaining the arrest of offenders, and one of the most important measures for securing the public tranquillity?—I certainly think it would.

149. Are you at present aware that in these mountain districts a great quantity of illicit whiskey is made by the people?—In Clare I know that a great deal of whiskey has been made. Some years ago there were 500 or 600 cases of prosecution in Clare for distilling illicit whiskey, and now there is scarcely a prosecution, and I believe as much whiskey is made as ever.

150. Is it against Captain Rock's law to give information?—Yes.

151. And to change an old tenant?—Certainly.

152. What is the state of the law as affects these associations that now exist in Ireland?—

Ireland?—I think there is scarcely an offence that is not provided for by the law as altered by the Act of last session.

153. Will you explain the objects and contents of that Act?—With respect to the law for offences against the person, not of an insurrectionary nature, the 10 Geo. 4, c. 34, provides for them, such as murder, rape, abduction, shooting at persons, manslaughter, and so forth; even violent assaults and assaults arising from combinations, are made punishable in Ireland by transportation. The administering or tendering unlawful oaths or engagements, or inducing persons to take them, is a transportable offence under the 27 Geo. 3, c. 15. If a witness is murdered, or even secreted, his information is read as evidence against the persons charged, under the Act of 50 Geo. 3, c. 102, which is not in force in England, and that Act has been of great use in the south of Ireland. In the Shamgolden case a witness was murdered the day before the trial, and 14 men were tried and convicted on the reading of his information. *Attempting to compel any one to quit his farm, habitation, service or employment, is (under the Act of 1 & 2 Will. 4, c. 44) a transportable offence, whether it occurs by night or by day.* All threatening notices, messages or letters, are by the same Act transportable offences in Ireland, and not in England. The threatening letters in England are those accusing a person of a horrible and infamous crime; those I allude to are threatening the persons or property, or making a demand of money or goods, or desiring to send off a tenant or servant, or to employ or not employ any person, or any cases of that description, or even tending to excite a riot, tumultuous assembly, or any combination or confederacy, or to set or give out land; conspiring or even asking or soliciting to commit murder is a capital offence in Ireland, and not in England, under 10 Geo. 4, c. 34.

154. Is this an Act of the character of a Whiteboy Act, that it only comes into force when the country is in a state of disturbance?—The Act of last session is such an Act. The cause of bringing it into Parliament occurred in this way: at the last special commission for Clare we found that, in many instances, most of the outrages had been committed openly by day, and the old Whiteboy Act of Ireland (the 15 & 16 Geo. 3) made these offences mere misdemeanors by day, though capital if committed by night. The country was in such a state of open rebellion that almost every outrage was committed in the day-time; there was also a confusion in the old Acts as to notices and letters. I prepared an Act, and submitted it to the Government; they approved of it, and it was passed last session, making all these offences which were punishable if committed by night with death, and if by day as a misdemeanor, equally punishable by transportation, whether committed by night or by day. The punishment of death was given up for the night offence, and transportation was imposed whether the offence was day or night.

155. According to your statement of the law, there seems to be no offence in Ireland for which there is not a legal remedy?—I have stated the laws as to offences against the person. Now as to property: the ordinary offences, such as burglaries, robberies, arsons, injuring property, &c. are provided for as in England, and by the 9 Geo. 4, c. 55 & 56. And as to offences of an insurrectionary nature which affect the public, the Committee will find that the act of association is punished, and every act that may be afterwards committed. The 15 & 16 Geo. 3, makes the assembling of persons to the terror of His Majesty's subjects a misdemeanor punishable by imprisonment and corporal punishment. The having unregistered arms, making pikes, &c. is an offence under the Arms' Act. The mere assaulting a house, or attempting to assault a house, or causing by threats the door to be opened, is a transportable offence under the 1 & 2 Will. 4; it was a capital offence before. Destroying goods in a loom, or machinery, obstructing navigation of rivers, injuring bridges, tumults as to provisions, are punishable under the 27 Geo. 3 and 9 Geo. 4. Secret societies, by the 4 Geo. 4, c. 87. Digging of land, or injuring property maliciously; taking away horses at night and returning them again in the morning, that is, borrowing them for the night; breaking gaols or bridewells, or rescuing prisoners; exciting, encouraging, or even requiring any person to commit any of these offences, are all transportable under the 1 & 2 Will. 4. A combination to defraud any clergyman or lay-impropriator of tithes or dues, or obstructing the collection, or the valuing or setting, or doing any act to prevent or defraud the clergyman or impropriator of their tithes or dues, or the collection thereof, is, under the 27th of the late king, a misdemeanor punished by imprisonment and whipping: pulling down or setting fire to a church, or preventing

*Math. Barrington,
Esq.*

6 June 1822.

Math. Barrington,
Esq.

6 June 1832.

venting clergymen from officiating; taking arms, or causing them to be delivered, are capital offences under the last-named Act. Unlawful oaths is a transportable offence under the same Act. And with a view of preventing persons from forcing others to join in those offences, it is by that Act made a capital offence to dig any grave or erect a gallows, &c. or provide any instrument for inflicting bodily pain, to induce persons to enter into combinations, or prevent persons giving evidence, or to prevent the collection of rates or taxes. Even demanding of money or arms is a transportable offence under 9 Geo. 4, c. 55. The power of the magistrates is very great: under the 47 Geo. 3, c. 15, they may disperse any unlawful assembly of persons to the number of 12 or more; and if they do not disperse within an hour after proclamation made as in the Act, it is a capital offence. Magistrates may, even on their mere suspicion of a person having knowledge of any outrage, summon him to be examined, and if he refuses to give evidence, commit him until he gives evidence. This power, which is most valuable in Ireland, is under the 15 & 16 Geo. 3, and 9 Geo. 4, c. 54. Another valuable amendment was made to the law by the Act of last session, which will tend much to the peace of the country. Prior to the Act of 1 and 2 Will. 4, persons convicted of transportable offences, or sentenced to imprisonment, remained in the gaol of the county where they were tried, as the law did not authorize the Government to remove any man out of the county prison who had been there convicted. The consequence was they were visited by their friends, and no information could be got from them; but now any persons convicted may be imprisoned in any prison of Great Britain or Ireland or in the hulks, away from the influence of their friends.

156. What is the punishment for posting threatening notices?—Transportation. The digging of land, even the pulling up of plants or seed, which is only a trespass in England, is, if the country is in a state of disturbance, a transportable offence in Ireland; or the breaking of fences.

157. What is the punishment for a person found with notices in his possession that he is going to serve, and arms in his possession?—That would be a question for the jury, whether he was going to serve them; the having a notice is no offence; having arms unregistered is provided for by the Arms' Act.

158. What is the law in Ireland with regard to special constables?—I do not think there is any power of appointing special constables in Ireland, as there is in England, under the Act of 1 Geo. 4, c. 37.

159. Do you not consider the law deficient in this instance: where men are taken up at night in numbers without having arms, is there any possibility of punishing them in any way?—Though they were not armed, but were in great numbers, and the country disturbed, it would be a question for the jury whether it was not an unlawful assembly, under the 15 and 16 Geo. 3.

160. You could not indict them for anything?—You might indict them for assembling to the terror of His Majesty's subjects. It is unusual for them to go out without some mark, or disguise, or badge, or weapons of some description. It must be an unlawful assembly of some kind.

161. Supposing a set of men returning from a funeral, do you conceive that the magistrates or the police would be justified in arresting these men?—If the country was in a state of disturbance, and 50 or 20 men were assembled at night who did not disperse on being required, then I should think they would have assembled to the terror of His Majesty's subjects.

162. If the country was in a disturbed state, would it not be natural to suppose that these 50 or 20 men would walk home together for protection?—If they were going peacefully along the road, and the police came up and found them without arms or weapons, or badges of any description, then they would not come within the meaning of the Act, provided they dispersed quietly.

163. The putting a district under the Peace-preservation Act, you have not alluded to that?—Some of the laws I have alluded to only come into operation when the country is in a state of disturbance. The act of the Lord Lieutenant proclaiming the county does not affect the law in any respect; you must prove the fact of the disturbance to the satisfaction of a jury. The Lord Lieutenant's proclamation is no evidence whatever of it.

164. After having considered these laws attentively, is it your opinion that there is any necessity for additional laws for the purpose of preventing or of punishing crime in Ireland?—I do not know of any offence that has been committed, nor have I read of one, that I do not think is provided for by law. The question of punishment for large assemblies and meetings of people, and whether

the law is sufficiently strong to suppress them, is another matter, upon which I should not presume to offer an opinion. I think the Act of last session is so comprehensive that it is scarcely possible to imagine an insurrectionary offence that is not provided for by that Act.

165. You have heard of the hurling matches; have you any doubt that these were for the real purpose of preventing the collection of tithes?—Not from what I have heard of them.

166. Under what law would you meet that sort of case?—I would say that was a combination under the 27 Geo. 3, c. 15, to prevent the collection of tithes or the levying of them, and then it would be a question for the jury.

167. Were not the hurling matches exceedingly common, and were not they openly held in the country?—I believe they were in Tipperary. I would meet it in this way; if they lurked in a field, and had not got permission from the owner for entering that field, they would be liable to transportation under the Act of last session; that which is a mere trespass in England is transportable in Ireland under this Act. I am presuming the country in a state of disturbance.

168. Were not these hurling matches very much the origin of the prevention of the collection of tithes in Ireland?—Indeed I do not know. We had not a single meeting of the kind on the Munster circuit.

169. From your general acquaintance with what took place in the counties where they did exist, what is your opinion on the subject of them?—I can only judge of these meetings from what I have read in the newspapers, that they were for the object of preventing the collection of tithes, and which I believe they did; and that they are punishable as I have stated.

170. Was any prosecution instituted to punish any persons engaged in these meetings?—There was no meeting of this kind on my circuit, and I know of no prosecution.

171. Have you heard of any being instituted?—I have not.

172. Have you heard of any opinion being given, under the sanction of the Government of Ireland, that magistrates could not interfere with meetings of this sort?—I have not.

173. Under what law do you say these notices which called upon the people to hold a meeting, without disturbing or committing any breach of the peace, for the purpose of opposing a collection of tithes; under what law, do you say, this could be put down?—I think it would be, in the words of the 1st & 2d of Will. 4, c. 4, s. 3, an offence punishable by transportation, for "publishing or circulating a notice or message tending to excite an unlawful meeting," or "directing or requiring persons to do, or not to do, any act." The opposing the collection or sale of tithes is, I stated, an unlawful act, and so is any combination or meeting for the purpose.

174. What is the title of that Act?—An Act to amend the Act of 15 and 16 Geo. 3.

175. Was that Act passed before or since the disturbances in Clare?—In consequence of the disturbances in Clare we might have convicted a great number more than we did, but for the state of the law. I immediately prepared the Act, and sent it to Mr. Stanley; it was considered by the law-officers in Ireland, and passed last session.

176. In order to make these large assemblies at night an offence such as you have described, must not the county be in a state to apply the Whiteboy Act?—I consider that the first outrage brings the Whiteboy Act into force. It has been, I believe, held by the Judges that it does. The first outrage of a Whiteboy character that is perpetrated brings the Acts in force. Formerly the rule was, that the first outrage went unpunished, and brought the Acts into force, which could only be applied to the second; it is now held that the first outrage is within the meaning of the Acts, and is punishable. If a party of harlers assemble to prevent the collection of tithes, or the levy of composition cess, that moment there are disturbances committed within the meaning of these Acts.

177. You have mentioned an early Act for this purpose?—The 27 Geo. 3, c. 15.

178. Having described the state of the law, and that in your opinion a punishment is provided for each insurrectionary act, what is your opinion with regard to the application of the law, particularly when insurrectionary scenes first show themselves in an Irish county?—I think that if those laws are immediately applied to any county that is disturbed, they will have the effect of tranquillising it,

Math. Barrington, Esq.
6 June 1833. provided they are promptly and perseveringly administered, no matter at what expense. If a county was disturbed I would have a special commission issue, and sit from week to week and from day to day until the disturbance was put down.

179. Before you have a special commission, must there not be a considerable extent of outrage?—I would issue it if there were only half-a-dozen persons to try for such offences. I recollect Mr. Saurin saying, in 1815, that he would send down a special commission if there were only two cases; and he did send one down to Limerick when there were few cases, and it was quieted.

180. But before a single case could be prepared for trial, might not such a gang as you have alluded to, by their power of intimidation, bring the county altogether into a state of disturbance?—Certainly they might; but the more time allowed the greater the disturbance.

181. Are the means that magistrates possess such as enable them at all times immediately to apply the law that is calculated to suppress insurrection?—I think there ought to be in every county in Ireland a police magistrate, a stipendiary police magistrate, whose duty it would be to watch every offence, and the moment an outrage occurred to inquire into every particular relating to it, and report it to the crown solicitor or law officers. I would have the chief constables not exactly as they are now, but of a lower class, such as sergeants in the army, and the difference of expense would make up for the payment of the stipendiary magistrate. I know instances where chief constables having been captains or majors in the army, gentlemen at whose houses they dined, did not like to ask them to go on duty to patrol after dinner. This would not be the case if they were taken from men in a lower rank. I would have a police stipendiary magistrate for the whole county, and the difference of expense would in my opinion be a great saving to the county.

182. If the present magistrates of a county were to do their duty vigilantly, would these stipendiary magistrates be necessary?—I think you require some person in each county, whose duty it would be to inquire into and report on every outrage that occurred; for instance, a gentleman may be absent when an outrage occurs in his neighbourhood. There is in Limerick and Kerry a district of 50 miles without a single magistrate.

183. You say that if the first symptom is not immediately met and the parties checked, that it goes on so rapidly that it becomes next to impossible for magistrates not being stipendiary to interfere with effect?—Yes; it goes on till it arrives at what you have seen it in Clare and in the Queen's County.

184. Has not this been the case, that wherever an attempt has been made by any party to introduce these insurrectionary proceedings, they have so far succeeded that it has generally taken two, three or four years before it has been entirely suppressed?—In Clare the whole disturbance was suppressed in a few months, to the astonishment of every body. Last year, if it had not been for the activity of the police magistrate in Limerick, Mr. Vokes, I question whether that county would not have been as bad as ever Clare was.

185. Would not similar results follow to those which you have described in other counties, notwithstanding there might be every disposition on the part of the magistrates to do their duty?—Certainly; I think had there been a local magistrate in the Queen's County, whose duty it was to watch the incipient outrage, that he might have checked it, and in the other counties also which have been disturbed. I would therefore have a police magistrate as well in the peaceable as in the disturbed counties, who should be responsible; and on the first outrage occurring, let the whole force of the Government and the law officers investigate the case till they came to the root of it.

186. Might not the office of the crown solicitor be made more efficient in giving aid to the magistrates in executing the laws?—I think it might be made more so if each crown solicitor had his office, for the purpose of immediate reference, in the Castle of Dublin, where there is plenty of room, and which may be had without any expense. He should be responsible for every case that occurred within his district, and should be required to have a direct knowledge of its particulars as soon as possible after it occurred.

187. How would you manage that?—Let him have constant communication with the police magistrate of the county; that would do it. The moment any outrage occurs in my district I have information of it.

188. Would it not be better that he should have a public office in each county

county town, where he could employ a confidential clerk that might be always present?—It might be done in that way if you please. Math. Barrington,
Esq.

189. Such an arrangement would be of considerable service in assisting the general administration of the law, and the application of it to checking insurrectionary offences on their first appearance?—There is so much of party in Ireland that you could with difficulty select a man continually resident that would not be of some party.

190. The question did not refer to a resident public officer, but merely to the crown solicitor having a clerk of his own selection resident in every county town?—I think it would be desirable.

191. Such clerk being removable at any time at the discretion of the crown solicitor?—I think it would.

192. Is there not an office of that description now open in every county in Ireland?—There is the crown office; but that is a different office altogether.

193. Is it not an office that would answer the purpose if it was properly arranged?—I do not think it could, as the crown solicitor should be responsible for the conduct of his clerks in every case in each county.

194. What is the nature of the crown office?—The clerk of the crown is the person who at the assizes stands indifferent as between the prosecutor and the prisoner; it would never answer to have the clerk of the crown the person to investigate the offences and procure the evidence.

195. What duties does he perform?—He prepares the ordinary business of the assizes, and the grand jury business after; he attends the Judges, swears the jurors, and takes care of the records.

196. He prepares the ordinary indictments?—He does. Suppose an indictment preferred by the crown solicitor, if it is wrong the clerk of the crown will not alter it; he is indifferent as between the parties; and as to the jury panel it would never do to have the prosecutor the person to hold the panel or to swear the jury.

197. Your idea is that there should be a stipendiary magistrate in each county?—Certainly.

198. You would not have them permanent stipendiary magistrates?—Certainly I would.

199. Would you place all magistrates of counties under his control?—I would not.

200. You would have him acting along with the magistrates, and have equal powers?—Acting as the police magistrates do now in counties, under the direction of the other magistrates, obedient to the lord lieutenant of the county, and obedient to them at sessions; acting as their servant although a brother magistrate.

201. Do you not consider that it would be a much more effectual thing if you placed the magistrates of the county under his direction, giving him a paramount power?—I certainly would not, except in some instances, as in the mode of investigating at petty sessions. There are certain offences in which a discretion should be given to the police magistrate; it would never do to bring informers to petty sessions; the whole case gets out somehow or other; perhaps at the very moment that the informer is giving his information some hints are given to the prisoner, and he is enabled to make his escape. I would give a discretion to the police magistrate that he might commit the persons charged in the first instance without the advice or aid of the petty sessions, in all insurrectionary cases.

202. What would be the benefit of this permanent stipendiary magistracy, who must be had at considerable expense; what benefit would they be of to the county, unless you invested them with considerable authority and discretion over the other magistrates?—I would invest him with considerable authority, but I would not give him the command over the other magistrates; the magistrates have no business to obey him; there is no service he can do which requires that he should have authority over them, but there are many services that he can do which require that they should have an authority over him. In Limerick there is a police magistrate always there; he acts with the magistrates, and under their directions. The moment that the outrage occurred, when the people crossed the Shannon and came into Limerick, if it had not been for his activity the county would have been in a state of disturbance; no magistrate there would have known at the time how to act so decisively. A police magistrate, who is paid for preserving the peace of the county, and who has nothing else to attend to but to preserve that peace, is always on the spot, and is much better able to do so than the

Math. Berrington,
Esq.

6 June 1832.

general magistrates of the county, who cannot apply their minds or their time constantly to such business, and to that alone.

203. You would place this police magistrate under the control of the resident magistrates, rather than the resident magistrates under his control?—He is on an equal footing with them, and does always so act. You cannot say there is authority either way, but if the police magistrate is a man of sense he can easily act in perfect unison with the magistrates.

204. Practically the thing has gone on in Limerick for several years without any embarrassment either to the magistrates or to the police magistrate?—Without the slightest. At first the magistrates of Limerick were against a police magistrate being placed with them; but some time back, when the Government wished to send Mr. Vokes into another county, I understand the grand jury and the magistrates memorialized to have him kept there.

205. Then in fact the stipendiary magistrate keeps the county quiet, and does the duty which the other magistrates do not do; does it not come to that?—There is a great deal of business that magistrates in every county have to do; there is the business of petty sessions and special sessions for roads, servants' wages, and a variety of business, such as the English magistrates have to do. I mean to say this, that the duties of the ordinary magistrates in Ireland should be similar to what the duties of the ordinary magistrates in England now are, and that the stipendiary magistrates should have the extra duty not required in England, the insurrectionary duty.

206. You have stated what the laws in force in Ireland are for the suppression of outrage; is not there a power in the lord lieutenant of a county to send into the adjoining county for an additional number of police?—There is, under the Constabulary Act.

207. If one county is much disturbed, the Lord Lieutenant may send the police from all counties adjacent into that one county?—He may, certainly.

208. Considering the strength of the laws in Ireland to suppress outrage, the power of the Lord Lieutenant of sending a number of police into the disturbed districts, and the number of military in Ireland, do you not think that if vigour was exercised in the first instance outrages might be immediately suppressed in the particular districts?—I believe so; I have always found it so. Even where the county has been in almost open rebellion, it has been quieted by the ordinary administration of the laws. In 1821 Cork was in open rebellion; the King's troops were attacked, there was a regular battle of Doshure; 27 persons were apprehended, tried and convicted at a special commission, and I believe ever since there has not been a more quiet county in Ireland. The result was the same in that year in Kerry and in Limerick; and again in 1815, in Limerick, and last year in Clare.

209. Previous to the disturbances arising in Clare, had they a resident police magistrate?—They had not; they had formerly a most excellent resident police magistrate in Major Warburton, but he was promoted to be the inspector-general of police for the whole province of Connaught; he became then a mere inspector of police.

210. Not a resident police magistrate according to what you would propose as a prevention for crime?—There was not then; they have been obliged to have three or four in the Queen's county, and they have now five or six I believe. I would have a police magistrate, a man who was the most experienced in criminal prosecutions. I would have all the minor constables, such as sergeants in the army; and such appointments would be great objects of promotion with the constables who distinguished themselves in doing their duty.

211. You have given as one of your reasons for the appointment of a permanent stipendiary magistracy, that the resident magistrates in Ireland were generally under the influence of party spirit?—I did not say so; I said we could not get a local agent except from one party or the other.

212. That is not the case with respect to the magistrates at all?—Party is much more in some parts of Ireland than in others.

213. Do you consider a stipendiary magistracy would be so regulated as to be free from the influence of all party considerations?—I do; I judge of it from the mode in which I see some police magistrates act.

214. Would you propose to give to the stipendiary magistrate the civil jurisdiction of all ordinary magistrates, or confine his jurisdiction to criminal matters?—I would give him the full power of all ordinary magistrates, and the commission

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for every county adjacent to the one in which he is residing; this man being responsible to Government, there is no great danger that any party feeling would prevent him from doing his duty.

215. Do you believe that in large counties one resident stipendiary magistrate would be sufficient?—Probably it may become necessary to have a second in one or two counties, but I think one would be quite sufficient.

216. Have you any doubt that a magistrate like Mr. Vokes or Mr. Singleton would suppress outrage in any county in Ireland if he had full authority to do so?—I can only speak of Mr. Singleton as a chief constable in Kerry, when very quiet; he has not been a magistrate on my circuit, but I am perfectly convinced that if Mr. Vokes was put into a county at the beginning of the disturbance, he would quiet it. Mr. Vokes acts with the magistrates, he consults them, although there is a great deal that he does, in the first instance, without consulting them.

217. Do you not conceive that Mr. Vokes's efficiency arises principally from his co-operation with all the magistrates of the county?—Certainly; no police magistrate can ever act efficiently in opposition to the magistrates.

218. In point of fact, the progress of these associations and all their consequences may be traced to either negligence in the application of the law, or the want of proper means to apply it?—I cannot say that it is negligence, I think it is a want of proper means. A police magistrate has powers that no ordinary magistrate possesses; he has the immediate command over the police, the knowledge of criminal proceedings, and the means of getting information by sometimes giving money, intercourse with convicts, &c.

219. In the ordinary state of things in Ireland, if an attempt is improperly made to introduce insurrectionary practices, even though the local magistrates be well disposed, it will make great progress, and succeed in creating a great deal of disturbance?—I think so; and this is one of the reasons why I wish to establish a permanent police magistracy. It may be said police magistrates have inducements to continue disturbances, and that, as his whole salary and existence as such magistrate depends on disturbance, he is interested in their continuance. If he is made a permanent officer in the county, it operates the other way; it is his interest, and to his credit, to keep the county peaceable. Mr. Vokes feels himself in that position; having acted so well for many years, he does not think it probable that Government would put him out of office; and I believe Mr. Vokes has scarcely ever expended a single shilling of secret service money.

220. Would you confine the duties of the police magistrates to criminal cases or not?—I would give him every power that a magistrate possesses; but his own good feeling would tell him that he had nothing to do with anything but the criminal business of the county, and the discovery of outrages.

221. You stated that these outrages were generally to be assigned to the distressed state of the people; do you suppose that if the situation of the people was amended by any law to be passed, this vast expense which you propose of police magistrates would not be unnecessary?—I did not say that it arose solely from distress, but more often from the change in the possession of land than any thing else; and I think the plan I suggest would lessen rather than increase expense. The expense of four inspectors-general and 220 chief constables (32 of whom receive additional salary as pay clerks), with allowance for at least 400 of their horses, exceeds 58,000 *l.* a year, add to this at least 10,000 *l.* a year for stipendiary magistrates now employed, and one half of this sum will be sufficient, according to the plan I suggest for the magistrates and constables.

222. You originally said that in Ireland there was a tendency among the common people to create disturbance, unless they were checked?—I think the great fault in Ireland is, that the people are not inclined to appeal to the laws as they do in this country; the great object is to make Irishmen attached to the law, and that can only be done by perseveringly prosecuting every case, no matter of what description.

223. You would have a stipendiary magistrate in every county?—Yes; and he should take out of the hands of the parties themselves the administration of the law. If a homicide occurs at a fair, instead of the people coming forward to prosecute, they wait till the next fair, and then commit, in retaliation, a murder on the other side. I would take the prosecution out of their hands; I would not wait till they gave the information; it should be the duty of the magistrate to force forward the prosecution, and punish the persons who had committed the first homicide.

224. Do you not conceive that in Ireland the county charges are considered by

Math. Barrington,
Esq.

6 June 1873.

the people to be very high and very oppressive?—In some instances; but the plan I propose would lessen the public charges considerably, for this reason, there is no county in Ireland in which there is not a chief constable in almost every barony. Then, instead of having the chief constable, who is a gentleman that perhaps does very little (there are many of them very active and most useful men), I would reduce the chief constables to sergeants, if I may so call them. The common constable has 40*l.* a year; I would give them 60*l.* or 70*l.* The salary and allowance that the chief constable has would pay several.

225. You stated in a former answer that the peasantry in Ireland were always anxious to give an offender an opportunity to escape, and you instanced the case of a pickpocket; have you not known that in cases of robbery the peasantry have generally been very anxious to have the robber apprehended, and that it is only in cases of outrage where they try to screen them?—I have known some few cases in which the farmers have pursued robbers, and the consequence was, it being so unusual, that they were rewarded handsomely for doing so. My general impression is, that they do not like to see a man prosecuted, and they will assist him to escape if they can. I attribute it to a sort of chivalrous feeling.

226. Do you confine your answers to Munster?—I hope all my evidence will be considered as confined to the Munster circuit, for I do not pretend to give evidence of any other part of the country.

227. Do you know that in France it is the habit to publish a large paper, mentioning the name of each offender, the crime he has committed, and the punishment awarded; do you think such a system would be useful to the people of Ireland?—I do not. I think in many insurrectionary cases they would consider them as martyrs; and in other instances I do not think it would be of any use.

228. Is not the object of all punishment example?—That is shown more effectually by immediate punishment after conviction. I attribute the quietude of Clare to sending the convicts off *instantly* from the dock to transportation.

229. You said in the early part of your examination that estates were generally, as far as you knew, well managed in Ireland, and that rents were not too high?—That is so, as far as I know.

230. Can you state to the Committee, in your opinion, what it is that makes the common people have such an antipathy to the law, and which renders them so little amenable to the law in Ireland?—I cannot; but when a friend or even an acquaintance is in gaol, they have great anxiety to get him out, whether thinking of his guilt or innocence. This is a feeling that runs through them all; you will find it very difficult to get a witness against a person, while hundreds will be found to swear an *alibi*, or anything else to save him.

231. You have spoken of the security of property in Ireland; do you think a law compelling landlords to pay some attention to the wants of their tenantry, and to employ them, would render property more secure?—Most assuredly employment would.

232. Would you recommend a law of that kind?—I would recommend a law to employ them; wherever you have employment you will find there is no disturbance.

233. And you would recommend assessments to be levied for the purpose of employing them?—I cannot suggest the mode of raising the money. I think employment is of the greatest value. If you mean the poor laws, I think the giving people the certainty of support would make many in Ireland never think of employment.

234. Do you think you can have security of property in Ireland without assimilating the laws of the two countries in that respect?—I am not friendly to the poor laws in Ireland, though a very great advocate for employment. I think if a man had sixpence a day in Ireland that he would not seek to earn another sixpence. If you establish the poor laws there, and give a man the certainty of support, no matter how poor it is, he will not think of earning any more.

235. Then you are of opinion that the laws you have already enumerated, of suppression, stipendiary magistrates and police force, are better adapted to the security of property and the quietude of the country than any law of the nature I have proposed?—I mean to say that for the purpose of preserving peace and preventing insurrection you have no radical cure, unless it be in the employment of the people.

236. Have you any remedy you would suggest for the quietude of the country?—The only remedy I would suggest is the persevering administration of the laws

in

in the ordinary forms, and the prosecution of every outrage that occurs. * I think the people are more attached to and satisfied with the administration of the ordinary law than they would be with any extraordinary measures; that is proved by their never having shown any hostility to jurors.

237. Then what would contribute to the improvement of the country and the employment of the people, would be establishing generally what would be considered the security of property and person?—Certainly.

238. By the laws that you have enumerated?—Yes, and by the ordinary administration of them. You cannot expect people will be peaceable if they have not what will support them; if they have employment there will be very little disturbance.

239. How does it happen that in Ireland, which is an agricultural country, there is a want of employment; is not agriculture, if fairly prosecuted, an interminable source of employment?—It is; but the population is much greater in Ireland than in England.

240. Would not you suppose that would lead to an increase of employment?—There is not the capital to give them employment.

241. Are not the rents of Ireland principally spent out of the country?—I cannot say principally; of course the rents of those persons who are absent from Ireland are.

242. Are you aware of what proportion of the rents of the county Clare are spent out of it?—I have enumerated the absentees, as far as I recollect.

243. What species of employment would you recommend?—Public works of all descriptions, roads, and the improvement of waste lands, draining, &c.

244. How does it happen that the ordinary work of cultivating the land and raising that which will produce sustenance for the people, is not sufficient, as in England, for them to exist upon?—I think there is a greater number for each farm than is necessary for its cultivation.

245. You think there is a superabundance that cannot get employment?—There are many persons who cannot give them employment from want of capital.

246. Do you know of any one farm in Ireland that is cultivated as much as it might be?—I do not; to the same extent as in England.

247. Do you not think that agriculturists could employ a greater number than they do?—They might, but not to any great extent, to give the whole population employment; there are great tracts of country through which roads might be made.

248. If rents were expended in improving it instead of being abstracted from the country, would it not be quiet, and the people satisfied?—I think the person who extracts the rent would serve himself better if he expended a great deal of it on his estate, and thus increased its value.

249. Yet you cannot say whether an assessment for such an object would be proper or not?—It would not be fair to assess one person for another. There are many men in Ireland who give employment, and why should they be assessed for their neighbour who gives none.

250. Do you know any estate in Ireland on which a considerable capital might not be laid out, so as amply to remunerate the landlord?—In the south of Ireland there is scarcely any estate on which a considerable sum could not be laid out on its improvement, with great advantage to the owner.

251. You are aware that in the market towns of Ireland a great number of vagrants, young persons of both sexes, are constantly brought before the bench of magistrates, and is it not the fact that these persons are almost invariably discharged without any punishment whatever?—I believe they are.

252. Is there any law at present against vagrants in Ireland?—Not unless you present them as vagrants.

253. Have you given instances of the malignity of the people being infinitely greater towards magistrates who act under the Insurrection Act than towards jurors; have you not known such instances?—I have; I have never known instances of hostility to jurors, at the same time that the persons who have been acting as jurors have been attacked, returning from the Insurrection Act, though they had been serving on a jury to try a capital offence, and on the Insurrection Act to try a transportable one. There is a rancour remaining in the country for years after, and a hostility against magistrates who act under the Insurrection Act; not the slightest against jurors.

Marsh, Barrington,
Esq.

6 June 1832.

Mark Barrington,
Esq.

6 June 1832.

254. Have you ever heard, except the instance of Mr. Clark lately, of a gentleman concerned as a counsel or agent on a Crown prosecution being injured?—No, never.

255. Are you aware of the quantity of absenteeism in Kerry?—I am not.

256. Is it not very considerable?—I do not know.

257. Are you aware of the quantity of absenteeism in Waterford?—I am not.

258. Have you not heard of the clearing of lands in the county of Limerick?—I have instanced the case of Lord Stradbroke.

259. In the county of Clare do you know anything of the con-acre rents?—I know nothing of the rents in Clare.

260. Was not one of the great objects of the Terry Acts to get potato ground?—Yes, certainly it was. The whole originated in a great degree with the Casey's, who were executed. If the country was in a state to require the Insurrection Act, I would much prefer a jury of officers; instead of having the Insurrection Act administered as heretofore by the magistrates of the county, it should be done by a set of officers; the moment they are removed out of the county they leave no sting after them. Mr. Baker was murdered in returning from acting under the Insurrection Act. Mr. Fitzgerald was attacked, and Mr. Lowe was shot at. I know of an hostility of 10 years standing against magistrates, merely because they have acted under the Insurrection Act.

261. Which do you think the people would prefer, the Insurrection Act or the court martial?—I believe the people would be much more satisfied with being transported in hundreds under the ordinary forms of the law, than if one was sent away under martial law, or the Insurrection Act.

262. Which do you suppose they would take as a choice?—I think they would prefer the martial law; they would think it then come to open war. They consider the Insurrection Act a mode by which they are transported without any trial; that every man who is concerned in it is hostile to them; that he brings his local motives and private feelings to bear on them; and that they are transported for other reasons than for the offence with which they are tried. This law is therefore bad, as the people are not satisfied with the mode of its administration; but try them for the same offences, under *penal statutes*, by the ordinary tribunals, and they will not complain, nor retain any hostility to the persons who are concerned in its administration as public officers or jurors.

263. In point of fact, have not the military, both privates and officers, always conducted themselves with the greatest impartiality and fairness to the peasantry of the country?—Invariably. I never knew of a soldier being murdered except in the instance of Sergeant Robinson, and he went in disguise, and was not known to be a soldier.

264. Do you recollect a case tried before Baron Pennefather, at Limerick, where a party of soldiers were carrying ammunition through the mountains in Limerick, and they fell into an ambuscade, that there was a consultation among the insurgents whether they should fire on them or not, they disputing whether they were soldiers or police?—I recollect; it occurred near Newcastle.

265. And when they saw the scarlet of the sergeant's jacket, they, instead of firing, ran in on them; and though the sergeant behaved gallantly, and wounded two of them, yet they only secured them as prisoners?—I do not recollect the particulars of the case.

266. Would it not be possible to devise some law to keep people in their beds, and prevent this night-walking, without going the extent of the Insurrection Act, and which would not be so objectionable?—You must make the being out of a man's house at night an offence. It would be very hard to make it an offence the *merely* being out, and there is not an act that it is possible for them to commit that is not provided against.

267. You are aware that where the country is disturbed and in a state of Whiteboyism, that if any assembly does not separate the moment they are required by a magistrate, he is entitled to fire on them?—Yes; if they assemble to the number of 12, and do not disperse in an hour after proclamation, it is a capital offence. I do not know of any offence that can be committed that there there is not a remedy or punishment for.

268. In your opinion sufficiently strong?—The mere digging ground, which is only a trespass in England, is a transportable offence in Ireland; soliciting a man to commit murder is a capital offence in Ireland, which is not so in England; the very asking a man to join in any one of these offences is transportable.

269. There

269. There is not an offence for which there is not a mode of punishment?—*I think not.*
270. You do not think there is any necessity for any other law?—*I cannot see any, as to offences.*
271. Suppose a party of police patrolling at night meet four or five men, are they authorised to stop them?—*If it is an unlawful assembly, they may.*
272. Is the Act passed last session confined to cases where the country is disturbed?—*Yes; it is a mere amendment of the Whiteboy Act, otherwise it would be a very penal Act indeed. In the state of Clare the worst offences were by day.*
273. The only doubt as to disturbance, is whether the first outrage be within the Whiteboy Act or not?—*I do not think there is any doubt.*
274. There being one act of outrage, from that moment it is agreed on all hands that the country is in a disturbed state, to bring the Whiteboy Act into operation?—*Certainly.*
275. In that case the constables are authorized, where they meet a body of men, to stop them and question them of their object; and if they do not answer, to bring them before a magistrate?—*When the country is disturbed.*
276. I wish to ask you whether, in the instance of persons calling themselves Terry Alts, and visiting houses cautioning the people not to pay tithes, is an offence?—*I think it is a transportable offence, under the 1st & 2d Will. 4.*
277. You are aware that the Judges have ruled that evidence of a particular case can be given on hearsay?—*Yes; the moment you prove such a house has been attacked by an unknown party, that they asked for arms or for money, or that people were sworn in on the road, or unlawful assemblies; that is sufficient to bring the Act into operation.*
278. You said you thought the establishment of stipendiary magistrates would be generally useful?—*I think one in every county would.*
279. You do not conceive it possible to strengthen the hands of the magistrates as to these midnight gangs?—*I think the law is very strong as it is at present, and I think there is no offence which there is not a punishment for, the law being administered promptly.*
280. Do you not extend that answer to all circumstances incident to the offence before the offence is actually committed?—*I do. I have stated that the mere assembling is an offence, or any kind of solicitation; even the asking a person to commit an outrage, or to join a party, is a transportable offence.*
281. Your opinion is that the law is sufficiently strong, and that the procuring obedience to it depends on the proper administration of it?—*Certainly, proper and prompt. If the Committee will put any other imaginary cases to me, I shall endeavour to point out how they can be met, and how the present law is applicable to them. I speak of the law to meet offences committed; it is not for me to judge of its sufficiency or insufficiency as to "meetings."*
282. You say that the greatest hostility exists on the part of the peasantry against the magistrates who act under the Insurrection Act?—*I said that any hostility I ever knew against a magistrate, was against those who acted under the Insurrection Act, and not against the same persons acting as jurors.*
283. Is it not possible there may be the same hostility against magistrates acting under this Whiteboy Act?—*That depends on the mode of trial. If you try them under the Insurrection Act for the same offences, it will; they do not consider it a fair tribunal at all. They think they are transported without a trial, and by the magistrates; but when tried for the same offences under the ordinary laws, though the result may be the same, they are satisfied with the one and displeased with the other.*
284. In your experience of the people, notwithstanding they have many faults, are you of opinion that generally speaking they are a people of a good and sound feeling?—*I do think so. I never knew a single instance of hostility or combination against the Government for these last 17 years. The Irish peasant is very much attached to any one who treats him kindly, but he is easily led astray.*
285. Within your experience they have had no political character?—*No.*
286. And scarcely any that were tinged with a religious character?—*I never knew but one case, and that was at Tarbert, a case of administering an oath to murder Protestants; that is a great many years ago.*
287. Was that after the Tarbert corps was formed?—*I think it was.*

Jovis, 14^e die Junii, 1832.

SIR HENRY PARNELL, BART. IN THE CHAIR.

The *O'Connor Dow*, M.P. called in; and Examined.

The *O'Connor Dow*,
M. P.

14 June 1832.

288. HAS your county been disturbed of late?—It was partially disturbed for some months in the year 1831.

289. In what way did the disturbance show itself?—By the serving threatening notices, tendering illegal oaths, burning and destroying property, levelling the walls and ditches of many of the landlords, insisting upon their raising the hire of their labourers, and reducing the rents of their ground in general, and of con-acre in particular.

290. What walls do you allude to?—The mering walls and ditches.

291. The fences?—Yes.

292. Did they search for or seize arms?—I do not think there were many cases proved of their having seized arms.

293. What class of persons were concerned in those disturbances?—They were, in the commencement of these disturbances, of the lower order of people, but in the end it was said they were joined by persons in better circumstances.

294. Under what names were they known; were they Whitefeet?—I do not recollect by what name they were known; they were not called Whitefeet.

295. Were they the same character of persons who committed outrages in Clare?—Yes, precisely.

296. With the same object?—Yes.

297. That came in from the Clare border?—Yes, it was so supposed.

298. Was their violence attended with any success; did they carry their point?—Yes, for some time; the landlords were obliged to promise to reduce their rents, and to submit to their dictation. No man dared to work for a landlord who would not comply with their orders. They were fearless of apprehension. They went even to a magistrate at 12 o'clock on a Sunday, and requested him to reduce his con-acre rent, and he felt obliged to agree to do so.

299. In speaking of the landlord, does it relate to that class of persons who sub-let the con-acre, because it is not generally the person possessed of the real property that lets it?—In Roscommon there are some landlords as well as tenants who let the con-acre.

300. On the restoration of tranquillity, were the original prices resumed again?—Yes, in some instances I understood they were.

301. They have been paid?—I believe so.

302. Is there any instance in which a person has been processsed for the difference between the Terry Alt rent and the old rent?—I recollect there was a case where it was threatened; but the result I do not know.

303. Public opinion was so far restored as to recognize the original rent, if an appeal was made to a jury?—Yes I should think so.

304. Then the system has been merely momentary, and had no effect longer than the intimidation lasted?—Yes. I recollect now that they were called Terry Alt men by some, and Rockites by others.

305. In what district of the county did this prevail?—In the greater part of the barony of Athlone, and in some part of the barony of Ballintubber.

306. What steps were taken to check it?—There was an application for an additional constabulary force; a stipendiary magistrate was appointed. There was a meeting of magistrates, at which it was proposed to appeal to the Lord Lieutenant for the Insurrection Act. Of 29 magistrates who were present, 27 to the best of my recollection deemed it advisable to call for this measure, and only two were opposed to it. The majority however conceived, that as there was not unanimity

mity upon the question, it might be invidious for even a majority to apply for such strong measures, when there were any who deemed them unnecessary. They came to a resolution to try the efficiency of an increased constabulary power. It was called into operation, and the disturbances were suppressed.

The O'Connor Des.,
M. P.
14 June 1832.

307. By what time?—I should have mentioned that there was a special commission some short time after this determination of the magistrates.

308. In addition to the measures taken by the magistrates, there was a special commission?—Yes, there was.

309. Do you consider you have effectually suppressed it?—Yes, I do.

310. What was the result of the special commission with regard to convictions?—They convicted in almost every case where a man was put upon his trial; convictions were had in almost every instance.

311. Was there any intimidation used to prevent conviction, to interrupt witnesses?—There were a few accused afterwards, of having visited witnesses with their displeasure after it was over, if I forget not.

312. Was there any previous menace?—Not that I am aware of.

313. How many convictions took place upon the commission?—I am not quite certain.

314. Were there many?—Yes.

315. What impression was made upon the public by the proceedings of that commission?—The impression on the mind of the people in general, to the best of my belief, was that the commission was too severe, and the people considered that the juries were determined to find persons guilty whether there was sufficient evidence against them or not, that was the impression upon the mind of the people; I do not think they were justified in entertaining it. They felt that the law would be enforced at all events.

316. With regard to the disturbances in the county, had the commission full effect in putting them down?—Yes, I think I may say so.

317. Then, in point of fact, the Commission did that which in the first instance was expected only to be possible to be done by the Insurrection Act?—Yes; tranquillity and order were restored.

318. Has the county remained tranquil ever since?—Yes; there are occasionally trifling outrages, but nothing of an alarming character.

319. Would you explain the difference between the con-acre rent and the common and ordinary rent?—I mean by con-acre rent, the rent given either for meadow land, or oat soil, or potato ground, for one crop.

320. What is the general rate of it, how much an acre; it is the use of the land for one crop?—Yes.

321. Does the tenant find his own manure?—In general it is ground not necessary to be manured.

322. What is the general rent of the con-acre in the county of Roscommon; what is the highest and what is the lowest for potato soil?—I should think it varies for potato soil from 5 *l.* to 10 *l.*

323. What would you say was the general average throughout the county?—I should say 8 *l.* or eight guineas.

324. In the neighbourhood of towns it is higher than in more remote places?—I do not think it makes much difference.

325. You think 8 *l.* or eight guineas is about the price?—Yes.

326. When 8 *l.* are paid what number of barrels would be obtained?—I should say from 26 to 36 barrels; 30 barrels I should consider the average for good ground in the county of Roscommon. I had a return on one acre, which I measured for curiosity, of 32 barrels, and it was not on the best description of ground.

327. What barrel do you speak of?—A barrel of 10 cwt.; eight stone is a hundred weight.

328. What would be the ordinary average price of potatoes?—I think they latterly estimated potatoes from 1 *s.* 8 *d.* to 2 *s.* a cwt.; this last year it was considerably lower; two years ago they were 3 *s.* 4 *d.* a cwt.; this last year they were not more than from 6 *d.* to 10 *d.*

329. Suppose you take it at 1 *s.* a cwt.?—That I consider too low.

330. Thirty barrels would be 15 *l.*?—Yes; but I consider that too low.

331. Then it is made up by the quantity; if it is too low the excess in quantity makes

The O'Connor Don,
M. P.

14 June 1832.

makes up the deficiency in price?—That is not always the case; the supply may exceed the consumption, or want of money may abate the price.

332. At 18 *d.* a cwt. the produce would be 22 *l.* 6 *s.*?—It is,

333. A man who hires an acre at 8 *l.*, what expense is he at in obtaining a crop from it?—He simply turns the ground, sticks the potatoes, and moulds them in.

334. All the expense he has to incur in order to procure a crop of potatoes from the con-acre, is a rent of 8 *l.*, and sowing the potato and digging them out?—Yes, except where he has to burn the ground, and the value of the seed.

335. Where you have taken the price at 8 *l.*, you have not taken into account the burning?—No; that is to be added where it occurs, and the ground ought to let for less.

336. A person may rent at 8 *l.*, and not have occasion to burn it?—Yes.

337. Paying 8 *l.* and receiving 22 *l.* 10 *s.*, he has 14 *l.* 10 *s.* gross profit upon the bargain, is not that so?—Yes, over and above his rent; but of course not clear profit.

338. In this dealing for con-acres between the owners of land and those who take them, is it your opinion, on the whole, it is beneficial to the lower orders?—It may not be beneficial; but, under the peculiar circumstances of the country, I consider, in some parts of Ireland, it is absolutely necessary.

339. Has not the tenant also to pay for the seed potatoes?—Yes, or to take them from his stock.

340. Has he not to pay the county charges?—No, they are paid by the landlord.

341. Is he subject to cess?—No.

342. Is he subject to tithe or composition rent?—There is no tithe in Roscommon on potatoes.

343. Is not there a con-acre let sometimes for wheat and oats?—Yes.

344. With respect to that land what is the custom, for the con-acre tenant to pay, or the landlord?—The tenant.

345. What should you consider the price of the seed potato?—I think two barrels is the quantity to an acre, but I am not able to say; I cannot answer the question.

346. Have you known any instance of a poor con-acre tenant who, besides maintaining his family out of the produce of his acre, was able to sell any portion of the produce?—Certainly.

347. Is that common?—Certainly not common, for this reason, that the tenant only takes as much as he thinks will suffice for himself.

348. What is the quantity that is considered to be sufficient to support a poor cottier's family?—I could not venture to say.

349. Are those persons who have recourse to this con-acre system persons in great distress?—Very many in Roscommon take con-acres, whether in distress or not.

350. There are some not in great distress?—Yes; I know many in my own neighbourhood in very good circumstances who take con-acre.

351. But is the majority those in very low circumstances or otherwise?—Almost all who are in low circumstances are obliged to take it, but many in good circumstances take it also.

352. Is not the husbandry upon the con-acre system of the very worst description, and most injurious to the soil and landlord?—It is evidently exhausting to the soil, because it takes some years, after the crops are raised on it, before the ground recovers its original value.

353. Must it not be a species of bad husbandry with respect to the landlord?—It exhausts the ground, but I cannot say it is a species of bad husbandry; the landlord will derive, in a few years, the fee-simple value of the ground, and in a few years it will recover its value, provided he lays it down with grass seed.

354. Would you not think it a better plan to cultivate the ground so as to keep it in heart rather than put it out of heart to put it out of crop?—The ground is so good as not to require this cultivation at first; cultivation is necessary to continue its excellence or to restore it. The poor, in general, have not a sufficiency of manure for this purpose.

355. What is the price of day-labour in Roscommon?—From 6 *d.* to 8 *d.*

356. All

14 June 1835.

356. All the year round?—It may vary from 5 *d.* taking the lowest rate, to 1 *s.* the highest, but from 6 *d.* to 8 *d.* I consider the average.

357. That is about 9 *l.* per annum as labour?—Yes.

358. So that the whole of the labourer's wages must go to pay for this con-acre of potatoes?—Yes, if he takes an acre of potatoes, but no poor man takes anything like an acre.

359. Do you mean to say that a poor man, and a family of five children, can be maintained on less than a con-acre of potatoes?—Yes, I should think so, for no poor man takes an acre of it for his own use.

360. Do you mean to say that every man in Roscommon, willing to labour, can earn 6 *d.* or 7 *d.* a day?—Certainly not, for all cannot get employment.

361. Could you state, in any one parish, the number employed compared to those unemployed, and who are willing to work?—I cannot, but it is considerable.

362. Are there three unemployed for one employed?—I am sure there are, for a great part of the year.

363. That applies to particular parts of the county of Roscommon; the part in the neighbourhood of Athlone is more in that predicament than adjoining Sligo?—Yes, but I think there is a deficiency of labour generally in Roscommon.

364. And Roscommon has become more an agricultural county lately than a grazing county?—Many parts that were covered with cottages are now converted into grazing grounds, and part that was grazing is turned into land for tennantry, but tillage is increased within the last few years.

365. You stated the wages of labour at 6 *d.*, and the rent of the con-acre at 8 *l.*?—Yes.

366. Is it fair to call upon you to give an opinion whether these two concomitant state of things presented a ground of complaint to excite an insurrectionary movement?—I think if the people got daily from 6 *d.* a day to 9 *d.* they would not complain; they are easily contented if furnished with sufficient employment. In the barony of Athlone they complained of the rent of the con-acre, because it is of an inferior description.

367. Do you not think that it is in the nature of those movements, that whatever is the cause in which they begin, they inevitably involve those of the better classes?—Yes, certainly.

368. To what do you attribute, generally speaking, the disturbances that have existed in your county?—I should say to poverty and the want of employment, and sometimes to the fortuitous combination of the idle and the ill-disposed, who commence midnight outrages without having any definitive object in view, and levy small contributions to relieve their wants, or to indulge in excesses. They pretend they are the delegates of some great unknown leader, and tender illegal oaths to be true to him. I should also say that there is a spirit of discontent, I fear, extensively diffused from the impression that rents are too high, and labour too low, and assessments too numerous, and that employment is not provided, and that land is not apportioned at a fair value for the poor. When, therefore, Clare and Galway were disturbed, it was easy to call the feeling of discontent in Roscommon into active operation.

369. You think poverty, and the want of employment, is one of the causes?—Most certainly.

370. Where a man has 6 *d.* or 8 *d.* a day, and he is a great portion of the year unemployed, must not he be necessarily driven to very deep distress?—Yes; if he be wholly dependent upon his labour.

371. Is that, or is it not, the common case of the lower order of peasantry in that country?—There are many reduced to that state.

372. Is it the common state of the great body of the peasantry of that country, those who have no land of their own?—It is the case certainly of those who have no land of their own.

373. It appears from what you have stated, that the cause originating in what has just been stated, is not limited by that, as it extended to other classes, and therefore there must be something beyond that immediate necessity; have you any opinion of what that is that will induce the better classes to join in these disturbances?—When there are disturbances in the county, I think it is from intimidation that the better classes are induced to join, but they are strongly averse to it.

The *Officer Don,*
M. P.
14 June 1832.

374. Do you conceive if a provision was made for the wants of the poor, by a labour rate or poor rate, it would tend to prevent the recurrence of disturbances in Ireland?—Yes; I think it would have a tendency to prevent it.

375. Is it the general impression that the con-acre rent is too high, all circumstances considered?—The impression upon my mind is, that in parts of Ireland it is much too high; but in other parts of it it is not. In a part within my own knowledge, the complaint of the people is that the landlords do not give sufficient ground in con-acre; it is one of the greatest complaints against some of the gentlemen in the country that they do not give sufficient ground for con-acres, for which the people would be willing to pay the rent I have mentioned.

376. In the event of a person getting a con-acre and paying for it in labour, is the price of the con-acre raised, or are they relatively increased?—It is unusual to accept of labour for con-acre. In almost every instance money is paid for it.

377. And security is given?—The crop is considered as security in general.

378. In the event of the crop turning out badly, is it usual to make any abatement to the person taking the acre, or enforce it by a civil bill process?—Sometimes an abatement is made, sometimes the contract is enforced, and sometimes the whole crop is forfeited.

William Wellesley Despard, Esq. called in; and Examined.

Wm. W. Despard,
Esq.

379. YOU are resident in the Queen's county?—Yes.

380. You are a magistrate and grand juror of that county?—Yes.

381. How many years have you acted as a magistrate?—Eight or nine.

382. What part of the county do you live in?—Between Abbeyfeix and Mountmash.

383. Have you been constantly resident there of late?—Yes.

384. And are perfectly well acquainted with all the circumstances of the county since it has become disturbed?—Yes, I think so.

385. The county formerly was rather remarkable for order and quiet?—Yes, certainly.

386. At what period, in your opinion, did the change take place that has made it rather conspicuous for the number of outrages committed in it?—I think about 1820.

387. What took place in that year?—The lower orders formed themselves into illegal associations.

388. What was the character of those associations?—Serving illegal notices, attacking houses for arms, beating people who took land, and administering unlawful oaths.

389. Under what name did they pass?—Whitefeet and Blackfeet.

390. Will you describe to the Committee what was the cause of those names being given to them?—I could not exactly state the cause of those names being given to them.

391. Or the distinction?—I believe the Whitefeet are rather worse than the Blackfeet if possible, but there was very little difference between them.

392. Were both parties guilty of the outrages you have alluded to?—Yes, I know it.

393. Did they go by those names as long ago as 1829?—Yes, the latter end of 1829.

394. You have mentioned being bound together by an oath; have you ever seen the oath?—Yes, the Whitefeet oath I have.

395. What is the character of it?—They are sworn to go as far as 12 miles to assist a brother; for instance, if a man took land, and another person thought he had a better claim to it than him, this man would go 12 miles away, and bring strangers to attack that man, and sometimes burn his house.

396. Have you a copy of the oath?—No, it is a very long oath.

397. Do they not swear to have nothing to do with priests and officers?—No, not the oath I have seen.

398. The oath implies an extended confederacy?—Yes.

399. In what way are they able to extend their associations in regard to the number?—By administering that oath; and I am firmly-persuaded there are many people who have taken that oath who have done it through fear.

400. They

14 June 1838.

400. They exercise a system of intimidation over persons of their own class throughout the country?—Yes.

401. In what way do they make themselves formidable, so as to enforce their schemes?—They will go in bodies; they generally first serve the person who has land that they do not wish him to have, with a notice pasted on his door, or put in through his window, and if the person does not comply with what is in that notice, they then come, in a short time afterwards, and beat him, and sometimes there are murders committed. I have known murders take place in consequence of not obeying their orders.

402. Has the system gone on continually since that period without interruption?—Yes, I think it has been on the increase almost ever since.

403. Do you consider that it arose out of the state of the tenants, and the ejections in that country?—Yes, in some instances it might.

404. Do you conceive it had its origin in necessity, or the failure of the crop, or anything of that sort?—There is a great deal of poverty in the country, but I do not think it originated in that.

405. Do you think it originated in one, and extended to the other?—Yes, it might.

406. Did they come in from any other county?—I think the Whitefeet and Blackfeet commenced in our county, but in the county of Tipperary they were much the same, but under other denominations.

407. Is it the same that existed in the county of Clare and Kerry?—Yes, I think so.

408. Was there any demand for an increase of wages?—Yes.

409. Any combination of the people refusing to work?—Yes.

410. So that it was of a very mixed character?—Yes.

411. It is only lately it has assumed an hostility to tithes?—About a year ago. The great cause of that was a placard circulated through the county, signed "Anti-Tithe Tax," and which tended in a great measure to inflame the minds of the people further.

412. The Whitefeet and the Blackfeet system was in force before that direction was given to it?—Yes.

413. The greater part of those people are not liable to tithe, from their description?—Yes, a great number of them are.

414. People belonging to those associations?—I cannot exactly say; I may state from hearsay.

415. On the late trials at Maryborough, did it appear what class of men were engaged in those outrages?—The people convicted on my side of the county were of the very lowest class.

416. Did anything appear to lead you to think that respectable persons were engaged?—I think there were persons from the neighbourhood of the colliery of a respectable description.

417. Did not those disturbances originate in the county of Kilkenny, adjoining that part of the Queen's county where you reside?—I think the Whitefeet system was with us before Kilkenny.

418. How can you account for it rising up in the county; what happened there to induce the people to change their course and habits; how do you explain it; there was a perfect good understanding between the gentlemen and the lower orders before?—The country was very quiet and peaceable, and a very good understanding between man and man previous to 1828, but since that period there has been a complete separation between the two classes.

419. Are you able to form any judgment yourself what produced that separation or discontent, upon the whole view of what you know of the country?—There were meetings in the year 1828, which the lower orders attended, and at those meetings there were speeches made by perhaps some of the farmers, I may say, which caused agitation.

420. The upper farmers?—Yes.

421. You do not think that it had its origin in any evil that the people were labouring under?—I do not think they were labouring under more than they had been suffering under a great many years.

422. Did you observe there was a system of ejecting tenants, or clearing farms to any extent?—Not in my immediate neighbourhood.

423. Did you observe any great want of employment?—Yes; a great deal.

424. Has it increased lately?—I do not know.

Wm. W. Dring, Esq.

14 June 1832.

425. Did it exist in 1828?—There is a very large population in my neighbourhood, and I do not think that they get constant employment.
426. That was the case in 1829, and before that?—Yes.
427. Who are the principal landed proprietors in your neighbourhood?—Sir Charles Coote, Lord de Vesci, Mr. Wise, Mr. Grattan, and the Ladies Fitzpatrick.
428. Do you know Mr. Preston's estate?—Yes, it is in chancery.
429. On those estates you have mentioned, was there any general clearing or turning out of the tenants?—Not to my knowledge.
430. The estates you have mentioned extend over a very large part of the Queen's county?—Yes.
431. Do they not extend over a fifth or fourth part of the county?—Yes; there is the Duke of Buckingham's estate also.
432. Do not the Ladies Fitzpatrick possess a large property there?—Yes.
433. You say there were meetings in 1828; what led to those meetings?—It was previous to the passing of the Relief Bill.
434. Do many of the persons you have named live upon their estates and spend their incomes there?—Yes, some of them.
435. Is that system now equally existing about Abbeyrick, where there is a very large expenditure, and in the districts where that expenditure does not exist?—Yes, it pervades all.
436. Whether there is an expenditure or not?—Yes.
437. Has it equally manifested itself where there is a bench of magistrates sitting, a large expenditure of income, and great care shown to the poor, as where there is not that same degree of attention given to them?—I think it has; I think there is a great deal of crime all through the county.
438. Was not Lord de Vesci's brother last year one of those particularly selected by the rioters?—Yes.
439. They drove away his workmen?—Yes, and they served me in the same manner.
440. You stated there were many people not employed?—Yes.
441. Was that the case in 1829?—Yes, I think there is no difference since that.
442. What is the rate of wages in your county where the people are some portion of the year unemployed?—I cannot state the average without making the distinction; the gentlemen of the county give 10*d.* a day, one-half of the year, and 8*d.* a day the other half, the winter half; but the farmers, I must say, give very low rates of hire.
443. Did it ever occur to you to form a calculation what portion of the year, upon the average, those people might be unemployed?—I should say four months of the year, in the winter half-year there are a great many unemployed.
444. What do the farmers give?—In a busy time of the year, in the spring and harvest, they give more than at any other times; I should suppose they give 6*d.* sometimes, and diet.
445. Is there any con-acre land in your county resorted to by the people?—Yes, generally there are con-acres.
446. Those people have no land of their own?—Yes, some of them have their acre of ground perhaps, but it will not support them, and they pay very high rent for that acre of ground.
447. What rent do they pay for the con-acre?—I think at the rate of 10*l.* an acre.
448. Do you reckon that the average?—Yes, I do.
449. That ground is manured and ploughed?—Yes.
450. What is done upon the acre of ground for the 10*l.*, is it manured?—Yes, the manure is drawn out for them, and in some instances they plough in the potatoes for them, but in general they prefer shovelling them in themselves.
451. Do not many people give them land upon their putting out the manure upon it?—Yes, some people do, where they have no manure of their own.
452. What is your opinion of the rate of the con-acre land, is it moderate, or high, or low; is it too high or too low, or moderate?—If it is very good land it is worth it, but generally speaking it is too high.
453. Do you reside in the vicinity of Ballyrone?—About five miles from it.
454. You stated the estate of Mr. Preston was in chancery?—Yes.
455. In consequence of its being in chancery and being badly managed, was any

any severity used to the tenants of that estate to which you could attribute the disturbance of the county?—Certainly not; for some of the tenants on that estate have had it in fee-simple for the last 10 or 12 years; I mean they paid no rent at all.

456. Had there been any attempts to recover that rent?—Yes; and it has been let again lately, and they are now paying their rent.

457. Was there any unwillingness on the part of the tenantry to pay that rent?—The tenants were always fighting among themselves; there was little rent paid for 12 years, except by Mr. Bourne, who was a regular good tenant.

458. Should you not attribute the disturbance in the county very much to the property being so mismanaged?—No, I would not; it is a distinct property from any other in the county.

459. What is the extent of it?—Eight hundred acres.

460. You stated before, that disturbance generally originated in a local district?—I said the county was generally disturbed.

461. It must originate in a particular district; if an estate is badly managed and the tenantry distressed upon, may not that lead to disturbance in the county?—Yes it may lead to it, speaking generally.

462. Has that been the case of any tenantry in the Queen's county?—As far as I know, the tenants leave the land for its value.

463. At what rate has land been let recently for seven years?—The 800 acres, Mr. Preston's property, very low; from 15 s. to 1 l. an acre.

464. Was there a joint-tenancy on the estate of Mr. Preston?—It was set in lots under the court, to joint-tenants.

465. Did it ever occur to you to know that one tenant had to pay the rent of another, the one becoming in default?—No, I have not known it.

466. Have you known instances of such facts occurring where one tenant was sued for the rent of others?—No; I do not recollect.

467. Are you not of opinion, if a tenantry upon 800 acres, say 20 tenants, be ejected, or that the estate be mismanaged, that that alone would be sufficient in the progress of a short time, to spread dissatisfaction in a great proportion of the adjoining estates?—Yes, if it happened, but it did not.

468. You say there was fighting and quarrelling between the agent and the tenants?—I believe they could not get the rent from the tenants.

469. Would that kind of mismanagement lead to those meetings you have mentioned?—No, because it was entirely among themselves; it is different from any other property in the county.

470. Were there any large ejectment of tenants on the estate of Mr. Corsbie that you are acquainted with?—I do not know it.

471. Was it the demand of the arrears on this estate of 800 acres, that caused this embarrassment?—They demanded the arrears, but I do not believe they got them; it fell out of lease a few years ago, and it was set for 21 years under the court, and then there were advertisements again for seven years, and the court set back to the old tenants, or took one tenant of each lot, but they let all the others in again.

472. And let in the others as under-tenants?—I do not know how the thing was, but I believe that it was in consequence of the Subletting Act; I do not know the understanding between them.

473. Do you consider that the particular circumstances of that property have led in any way to disturbances in the county?—No, I do not.

474. Do you conceive there is a general cause in operation that will account for this, or whether it is traceable to local evils, or any local cause of provocation, or whether it is a general cause, acted upon by the local provocations?—I think there are several causes.

475. You state that meetings were held in 1828?—Yes.

476. And you have stated the cause of those meetings to be emancipation?—

Yes.

477. Where were those meetings generally held?—In public towns and elsewhere.

478. By whom were they generally addressed; you have mentioned a better class of farmers; who were the parties, in addition to those, who addressed the meetings?—Generally the farmers.

479. Were the parties who addressed them magistrates or priests, or the gentlemen of the county?—I believe one magistrate did.

677. E 4 480. Did

Wm. W. Despard,
Esq.

14 June 1832.

Wm. W. Despard,
Esq.

14 June 1831.

480. Did any priest?—Not that I know of.

481. What were the topics usually discussed at those meetings; was the question confined to the question of emancipation, or did it take a wider range?—Generally emancipation was the subject, but I did not attend myself.

482. The questions are asked to bring to light the connection between those meetings and the general disturbances; do you think that the spirit that was put in motion by that, would be sufficient to account for the out-breaking and the present disturbances, without any local causes?—No; I do not think it would.

483. But it is that spirit, acted upon by local causes, by that which is considered matter of local grievance?—The people were not in the habit of meeting till 1828, and then they met, and afterwards they were, as I am told, harangued by other people after those meetings.

484. But, in point of fact, an organized machinery of operation has grown out of these meetings?—Yes.

485. And this machinery is ready to be applied to any purpose?—Yes; the present system is ready to be applied to any purpose.

486. Do you imagine that the result of the special commission has had such a disconcerting effect upon this machinery, as to break it up, or paralyse it?—Not at all; I think it still exists, and during the commission several outrages took place of the very worst description.

487. So that you are of opinion, the effect of the special commission is confined to the repression of a tax, and that the same spirit is still in existence?—I think the commissions will not quiet the country; I think the system will still go on.

488. The effect of the commission is confined to punishment, and not to the repression of crimes?—Yes, it has had very little effect upon the misguided people of the country.

489. It has not acted preventively?—No; crime still continues.

490. What cases of crime occurred during the sitting of the commission; were there many?—Yes, there were; there were houses attacked, and one man had purchased the good-will of another man's property, not far from where I live, and the man that sold got sorry for his bargain, and wanted to get the land back again, the other man refused, and he hired a party and brought them to his house; they snapped a pistol at him, which missed fire twice; they then got a mallet and fractured his skull, and they were taken with the mallet in their hands; there was another case at Tumney, where a man was violently beaten.

491. This occurred during the sitting of the commission?—Yes; they were arraigned, and they put off the trial by affidavits.

492. Were those men from the neighbourhood?—Yes; they were very close neighbours of mine.

493. Has the organization been applied very generally to the extinction of tithes?—Latterly they have taken a great deal of arms.

494. You have stated that some placards were distributed throughout the country, and that there was a publication about the tithe-tax, would that be sufficient to account for the general excitement?—No; there was excitement before.

495. Were any other ostensible means employed; were there any meetings held upon the subject of tithes in particular?—Yes, there were; the cattle that were under seizure for tithe were brought in and branded with the word at full length, "Tithe," upon them.

496. Were there particular individuals above the lower, and even above the middle classes, who took a prominent and active part in the management of those meetings?—Yes, certainly.

497. Laymen, clergymen, or both?—I should say laymen; the priests are very much against tithe, very naturally, but I have not heard them preach against it; I have heard the bettermost farmers in the county speak against it.

498. Have any tithes been recently paid in the Queen's county.—No.

499. Are they likely to be paid?—Never; they will never pay tithe.

500. Do you think that the resistance to tithes extends to Protestants as well as Catholics?—The lower classes of Protestants have been intimidated from paying tithe; they have been served with notices not to pay.

501. Which do you think will ultimately prevail, the system of intimidation or the terrors of the special commission?—I think they have no respect for the laws at all.

502. Have the country people any great apprehension from the system of intimidation

midation that prevails?—The honest and well-disposed of the country people are of course very much afraid of it.

503. Have any Protestants taken any part in those tithe meetings?—Yes; some of them.

504. Any of a respectable class?—No; I do not know of any.

505. Have you known any of the Protestants join the Whitefoot or Black-foot?—Not one, to my knowledge.

506. Then those Protestants who have joined in combination against tithe have done so from fear, and not from any wish to oppose tithe?—My opinion is, that they have done so from fear.

507. Are the Protestants very fond of the system of tithes?—Indeed I think the Protestants would pay their tithe cheerfully.

508. Would they like a commutation; a change of plan?—We have the tithe commutation all about me.

509. Do you think the Protestants would not rather throw the tithe upon their landlords?—Yes, I think they would.

510. Would not the landlords like to throw it back again?—Yes, I think they would.

511. Do you not think that the honest and well-disposed Protestants have a greater antipathy to the payment of tithe than the payment of rent?—I think that they pay both cheerfully.

512. Do you think that the Protestants understand the question. Do they understand if tithes are extinguished, that the rent charged upon their holdings will exact from them the same amount?—I do not know; I cannot answer that question.

513. Do they seem to understand the question?—I do not think they do.

514. Have not the small farmers in your county been relieved by the tithe composition?—Yes, most decidedly; and their resistance to the tithes astonishes me. In the parish I reside in they formerly paid 10 s. an acre for potatoes and wheat, and they now only pay 2 s.

515. Do you mean to say 2 s. an acre is the highest amount they pay in your neighbourhood?—Yes, I think it is about that.

516. What may be the lowest?—One shilling, I think; but I cannot exactly say to a penny or so.

517. Will you inform the Committee if you are aware of any land in your neighbourhood that is tithed at a higher rate than 2 s. an acre, under the composition?—I think the highest is 2 s.

518. If it is higher it is owing to the excellency of the land?—Yes, it is.

519. You are not aware of any higher?—No, I am not.

520. Have you any lay tithes in your neighbourhood?—No.

521. Were not the people, generally speaking, satisfied with the composition system?—Yes, particularly the small landholder; he was delighted at it.

522. They are changed now?—Yes; they will not pay 2 s.

523. How do you account for that?—They have been advised not to pay it.

524. By whom?—The large landholders; they pay more.

525. Has not the tithe commutation brought a greater quantity of land into tillage?—Yes.

526. Has that been advantageous to the lower orders?—Yes; it gives more employment.

527. Would it be advisable for the peace of the country that the landowners should take upon themselves the payment of this tithe, that you say the peasantry never will pay?—If it would restore the country to peace and tranquillity, it would.

528. Does this association for mischief prevail throughout the country?—Yes.

529. There have been murders and robberies committed under it?—Yes.

530. So that the county is in the possession of that particular association?—Yes, nearly so.

531. What do you conceive to be the object of this association from your acquaintance, which is considerable, with what is going on; what do you conceive to be the object of the association?—It is a complete resistance to the existing laws; some of them say they will have all the lands in the country in their hands again; some of the Whitefeet and Blackfeet say that.

532. Why do they seek to get arms in the way they do?—I heard for some time it was for the purpose of opposing the levying the tithes.

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533. Have

Wm. W. Despard,
Esq.

14 June 1835.

Wm. W. Despard,
Esq.

14 June 1838.

533. Have they any system of management, any committees?—Yes, they have, amongst themselves; they meet in public-houses.

534. Do they investigate the cases and decide what house they will attack, or what individual they will ill-treat?—Yes, they decide it some days previously to the attack.

535. When there is an attack made upon a man to give up his land, is it the result of an investigation of the case, and the decision of the committee, and an order that the person shall be turned out of his land?—Yes, that is decided at a meeting of the committee previously concerted some days.

536. Does it appear upon the trials who are the leaders of this association?—No.

537. Is it supposed that there is any one individual, or a set of individuals, who take the lead?—That did not come out.

538. Were there subscriptions raised for the defence of the persons tried?—Yes, it was done openly.

539. To what description of persons did they apply?—They applied to all the farmers; they went to the farmers in my neighbourhood, and asked for money to defend their brothers in gaol.

540. Was it done in daylight?—Yes, in the middle of the day.

541. Was it made in a sort of way to be connected with any threat?—If they were refused, they would look at the man and say, "Mind that."

542. That was an intimation that the result of the refusal would be some sort of punishment and injury?—Yes.

543. In this way they actually succeeded in raising a large sum of money for the defence of the prisoners?—Yes.

544. In what way were they defended, did the defence exhibit much expense?—I believe the counsel were very well fed.

545. How many counsel were employed in a case?—Sometimes three, but generally two.

546. Was the trial conducted with every sort of advantage to the person charged, as far as money could provide for legal defence?—I should think so.

547. Can you give a history of those Whitefeet as they proceed. You have spoken of the committees, can you say how they concert the attack of a house?—When a house is to be attacked, the man who gets up the attack will go off eight or nine miles or further; he will go to his brother Whitefeet, they know each other by signs; he brings this party or sends this party; he would be known himself; he sends that party to that house, and they attack the man's house, or take his arms, or beat him, or murder him, or shoot at him.

548. They arrange this through a meeting of the committee?—It is arranged, I know; they generally meet.

549. Do you mean to say that they are so combined they will be ready to go any distance to get a party to come and murder a man for a particular individual grudge of their own?—Yes, most certainly; they have done it.

550. Has it come to your knowledge, whether or not those Whitefeet are sworn to each other, and what the nature of the oath is?—They are sworn to each other.

551. Do you know the nature of it?—They are sworn to be true to each other, and assist a brother when called upon, and to go to the distance of 12 miles to make attacks.

552. You have said most certainly a man may go into Queen's County, and bring a party to murder another for his own private purposes?—I say it has been done.

553. Has it been done under your own knowledge?—Yes, I have particular information of it.

554. Are the Committee to understand that your evidence is, that at this time men are to be found who will go at the instance of another to murder any person that that other person calls upon him to murder?—I believe there are several that may be had.

555. Have you any doubt of it?—No, indeed I have not.

556. Is there in the oath any religious distinction or not?—Yes, I think there is; one part of the oath is that they are to wade knee-deep in Protestant blood. I have read the oath.

557. Have you ever heard an oath purporting to be the Whitefeet oath, with such

such a particular religious distinction, given in evidence upon a trial?—Yes, at the last Spring Assizes at Maryborough; the oath was to *exterminate all heretics*.
 558. Was it given by a credible witness?—It was an approver; the man he prosecuted was convicted.

559. Is it your opinion that the combination inquired into is directed against tithes alone, or has it any hostile view towards the established religion?—I think it is directed more against tithes and property, but if you are to believe that oath, which I do not pay much attention to, that shows it was against the Protestant religion.

560. Was there any corroboration of that oath by any other witness?—Yes, I have heard it from three or four.

561. Do you believe it yourself?—Yes, to a certain extent.

562. Do you believe there is a rage among the Whitefeet to murder Protestants?—I think there is a strong feeling against Protestants.

563. Have the attacks of the Whitefeet been directed equally against the houses of Protestants and Catholics?—There have been many houses attacked belonging to Catholics; there were several attacks for arms.

564. The Protestants are much less numerous than the Catholics?—Yes, most certainly.

565. Is the land principally occupied by Catholics or Protestants?—There are very large Protestant landowners, but the general population are Catholic.

566. You say that the Catholic farmers have been robbed and ill treated equally with the Protestants?—Yes, and I know they are much frightened now; and I also know that they have submitted in every respect to the system of intimidation going on, and if they had not done so our county would have been much more quiet than it is. I have a letter in my pocket written by a man, a very large landowner; he mentions the attacks in his neighbourhood, and upon himself, and he says, "I have just ploughed up seven acres of good land, which I have given to the boys, (the Whitefeet,) and I am on the best terms with these new legislators."

567. Then the attacks are made indiscriminately?—Yes.

568. Have the Catholic farmers universally submitted to the orders that they have received?—Yes, I think they all have; they have been very cowardly; I must say that class of society have submitted to them and given out their arms.

569. Have you any reason to believe there are Protestants in this conspiracy?—Certainly not.

570. Are you satisfied it is not general among all Roman-catholics?—It is general among the lower orders.

571. But not among the farmers?—No.

572. Do you think if the country was relieved from the terrors of intimidation, it would resume its natural tranquillity?—The lower orders have got so organized, it would be very hard to break the system.

573. Do you not think, if some time ago, when those disturbances began to increase, the respectable farmers had determined on resistance, and organized themselves to offer resistance, it would have materially or totally checked the disturbances?—When the disturbances first broke out, if the farmers had turned out and joined with the gentry of the country, there would have been none of this work.

574. Do you think if the farmers would answer the call of the magistrates of the country, to organize themselves as volunteers, that acting under the gentry, they would suppress it?—I am afraid the system is gone too far; I saw some proposal of the kind.

575. Have not the Catholic clergy taken a part to encourage those associations of farmers to prevent crime?—The Catholic clergy in the county latterly are doing everything in their power to put a stop to those outrages; and from what I hear, some of the Whitefeet have given themselves up to their clergy, but they have not given up their arms.

576. Was there ever a distinct demand made upon them for their arms?—Yes; by the priests and the bishops.

577. Was there any refusal?—I do not know; it was not complied with; two or three stands of arms have been given up.

578. Do you think they are beginning to set loose upon the authority of their priests?—The Whitefeet pay little respect to their clergymen.

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579. That

Wm. W. Denpard,
Esq.

14 June 1831.

Wm. W. Deipard
Esq.

14 June 1831.

579. That there is a growing disinclination to obey their priests?—Yes.

580. Do you not think if it was possible for the landed proprietors of these estates to go into the country and call upon their respectable tenantry to form themselves, and continue protecting the tenantry and one another, it would effectually put a stop at the present moment to this state of things?—I have said that the intimidation has been so great, and the farmers are so frightened, they would not come forward.

581. You were a party to some resolutions come to in June 1831; one of them I will read: "At a meeting held in Maryborough: Resolved, that for the purpose of protecting the innocent of every description, as well as bringing the guilty to punishment according to the laws of the country, as also for the purpose of co-operating with all existing institutions designed for the maintenance of public tranquillity, a volunteer armed association be formed, under the sanction of government, to be composed of good subjects of all denominations belonging to this county." Were any steps taken by the gentlemen who came to these resolutions?—In my neighbourhood they did not take any steps, and I am very glad they did not, and I will tell you why: the very people into whose hands I should have put arms, were the persons who, when their houses were attacked, gave up their arms without any resistance.

582. You would not have put arms into the hands of men who would not use them?—Those men I thought at the time would fight, and defend their houses, but they did not, they gave up their arms.

583. You formed no armed association?—No.

584. No steps were taken to carry into effect that resolution?—No, not in my part of the country, I believe there was in another.

585. Could the associations have been better formed without being armed, to patrol and help each other, keeping watch and giving information?—Yes, I think it would be much better.

586. Would not the Catholic farmers have been more disposed to form a part of such an association than a regular armed association?—I understand it is their wish to form an association of that kind; but I saw a letter from one of them, and it was accompanied by this, that they wanted all the Whitefeet taken in to form part of the patrol.

587. This association of Whitefeet you have been speaking of, appears to be very numerous?—Yes, very numerous.

588. Is it your opinion that the whole of that body, or the greater part of that body are acting under the intimidation of any two or three, or a small number of people, or are they now acting altogether of their own mere motion, and not by intimidation of any external force?—Under their own will, and not under any intimidation, except that they are bound by an oath to go wherever they are required.

589. They are acting willingly?—Yes.

590. They have entered into that spirit of combination?—Yes.

591. Supposing that association to be as numerous as you suppose and as mischievous, but that a special commission was to go down not once, but twice and thrice, as often as occasion might require, and as speedily as occasion might require, and convictions were to take place and men were to be executed for their violation of the law, is it your opinion that a succession of those commissions would be ineoperative in putting down to any extent those associations?—I think that commission after commission might do it.

592. Would not a succession of special commissions executed rigidly, and parties convicted executed as they ought to be; do you not believe that that succession of special commissions would intimidate the criminals?—I think it would, but I do not think it would put a complete stop to their system.

593. Why do you believe that it would not put a stop to them ultimately?—For instance, if a body of people are caught armed at night, and they are taken and committed to goal, they are found guilty, and the utmost you can do is to imprison them, and they come out of goal ten times worse than when they went into it.

594. Would they not be executed?—No, it is only a misdemeanor.

595. Are the Committee to understand, let the executions be ever so frequent of the criminals, it will not deter the people from the commission of crimes?—We have no execution for Whiteboy offences, unless they fire at people; and as

to

to transportation, I do not think they mind that at all; I declare I do not think that they do, they were laughing away in the dock the other day.

596. What punishment would they mind?—They would mind execution.

597. Can you state what punishment would operate upon the fears of the peasantry?—I think execution is the only thing; but it is terribly harsh.

598. Supposing instead of special commissions for transportable offences, the Insurrection Act was to be enforced, and that the magistrates transported without trial, do you think it would more or less affect the fears of the peasantry?—It would widen the breach still more between the magistrates and the peasantry; but there is one thing, if it could be done, namely, to give power to have people taken that were found out at night, and if they did not give an account of themselves, let them be tried by a judge and jury; I do not think the magistrates would wish to have the power.

599. Taking that part of the Insurrection Act that would keep people in their beds at night, but omitting that part that would impose upon magistrates the inflicting of these punishments?—Yes.

600. Are offences committed in the day-time?—Yes, certainly, there have been.

601. Then taking them up at night-time would not prevent that?—No.

602. Have there been cases of assassination in the day-time?—Yes.

603. Do you not think that taking up arbitrarily at night might induce assassination?—No, I think it would do a great deal of good.

604. Is it your opinion that common people are never influenced by feelings of revenge?—They are, of course.

605. Supposing the common people took it into their heads that arrests by night were illegal, that they were unjustly dealt with, would that tend to produce assassination, or some other means of avenging themselves upon the magistrates, or those who have exercised that power?—Perhaps it might.

606. Do you believe when the Insurrection Act used to be enforced that the common people were driven by that to the commission of crimes?—I recollect a conversation as regards the Insurrection Act, when the county of Kildare was under the Insurrection Act, the country got quiet, and they were about to remove it, and the farmers of the county petitioned the assistant barrister to keep it on still. They said it was the means of protecting the innocent and bringing the guilty to justice. It was the assistant barrister of our county that told me that.

607. Do you not think that has been generally the effect of the Insurrection Act?—I think so; it protects the innocent.

608. Putting the Insurrection Act out of the question, do you think that the present spirit can be overcome by anything that does not interfere with the nightly maraudings of these disturbers?—Constant commissions.

609. They did not interfere with midnight maraudings?—Yes they do.

610. The special commission does not send out the magistrates to lie in wait for the public disturbers of the peace at night?—No.

611. Could the present disturbances be repressed without some means of putting down the midnight committees and perambulations?—I think the present existing law is not sufficient to put it down.

612. It does not reach the midnight part of the proceedings?—Yes, that is what I mean; I mention, for instance, if people were taken up at night armed they should be transported.

613. You conceive that the present spirit cannot be repressed without putting down nightly meetings?—Indeed I think so.

614. Are you aware that the magistrates at present are empowered by law to arrest men at night if they are doing anything illegal?—Yes, if they are caught in the act; if they are caught attacking a house.

615. Are you acquainted with the new Act of last year; the amended old Whiteboy Act?—Yes, I think I heard it read.

616. But you think the law is defective in punishing offences committed by unlawful associations?—Yes.

617. Upon what point is it defective?—Where parties are caught with arms in their possession at night not doing anything.

618. What is the state of the law as to punishment?—I think it is not sufficiently strong.

619. What do you conceive in that respect is the punishment provided by the law?—I do not think it is strong enough.

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620. What

Wm. W. Dwyer,
Esq.

14 June 1832.

Wm. W. Devereux,
Esq.

14 June 1832.

620. What is the punishment?—If they are caught armed by day, a fine of 10*l*. and two months imprisonment, and at night, two years imprisonment.

621. What punishment would you recommend?—I would as soon transport them for that as for posting a notice.

622. You said they did not care for that?—No.

623. Are any steps taken by the magistrates to prevent those nightly meetings?—Yes, there have been several convictions.

624. Have you heard of any instance of magistrates fining to the full extent of the law and the fine being immediately paid by some unknown person?—No, I do not know of that.

625. Have you heard of it in the county of Kilkenny?—I cannot answer that; I know of several persons who have been fined, and have gone to gaol for two months.

626. Is there any particular subtlety in the proceedings that take place under this organized system, by which the people know what the law is?—Yes, they know the law perfectly well.

627. They know by what course of proceeding they can evade the Act?—Yes, they are quite aware of it.

628. Are you not aware that laws are made to be understood by the people?—Yes.

629. Is not that the object of them?—Yes.

630. Is the commission adjourned for your county?—Yes, to the 22d of this month.

631. How many days did it sit?—Fifteen days.

632. How many persons were tried?—Thirty-nine.

633. How many were left in gaol to be tried?—A great many came in during the commission; I should think there are 70 or 80 now for trial, and they were coming in every day when I left the country.

634. Have the magistrates been actively employed during the period you have alluded to, and during the time this association has been existing, in putting a stop to it?—I think the magistrates have done their duty resolutely and firmly.

635. Have they held several meetings?—Yes.

636. In the course of the last year can you mention what meetings took place?—They had meetings to levy a fund to reward people who defended their houses, and things of that kind, and giving private information.

637. Did they appoint a committee to keep a continual watch over the proceedings of the association?—Yes.

638. Was there any application made to the Government to arm the farmers and others?—I believe there was.

639. Do you think that the readiness with which the people gave up their arms when attacked, was from a feeling that they were not supported by the Government, or otherwise?—I formed an opinion that they gave them up from fear.

640. Have you any yeomanry corps in Roscommon?—They are not embodied.

641. Are they armed?—No, they are sent into their depôts at Mountrath or Maryborough.

642. Were any of their houses attacked?—Yes.

643. Did they make any resistance?—Two of their houses were attacked, and they gave up their arms.

644. You stated that the farmers of the county of Kildare petitioned for the continuance of the Insurrection Act?—Yes; I heard it from the assistant barrister of our county.

645. You say that applications have been made by magistrates and farmers of the Queen's County to the Government to arm them?—Yes, I think there was an application made from the Stradbally district, if I am not mistaken.

646. You have stated very truly that the feeling of intimidation is so great through the Queen's County now, that the respectable tenantry cannot be roased to defend themselves; has anything occurred to you by which this feeling of intimidation might be removed, and excite in them a spirit of resistance that would check those outrages?—The first thing to do, is to put down the present system that exists, and then the farmers would come about again.

647. How would you put down the present system?—I think that giving the magistrates power to have people taken up at night, would be the great means of breaking up the present system.

648. Whether

648. Whether innocent or guilty?—If innocent, they could give an account of themselves, and they would be let go home.

649. You mean the power of arrest, founded upon previous information given?—Either that, or meeting in a body.

650. Any number not less than what?—Seven, eight or ten; but if there was one or more that had arms I would take them.

651. Have there been any outrages in the county of which no return was made?—Yes; there was a respectable farmer's house attacked last Sunday three weeks, and I did not hear of it for a fortnight afterwards; it was attacked in the middle of the day.

652. Do you think it would be possible to distribute a force of military or police through the county, to patrol and watch over the peace of the district?—I have been out very often, but not patrolling along the roads; you are heard at an immense distance along the roads; lying in wait is much better, or crossing the fields.

653. Would it be possible to protect the peace of the inhabitants by distributing a police force?—If there was an overwhelming force to protect every man's house, it would do it; there is a large police and military force in the county.

654. And this system has been carried on in defiance of the police and military force, and the exertions of the magistrates?—Yes.

655. And you think it likely to continue notwithstanding the convictions?—Yes, I do.

656. Do you think it is the feeling of the magistrates that the Government are disposed to support them?—Yes, I think so.

657. Have you been out at night patrolling?—Yes, frequently.

658. Do you not know that men found in numbers, with arms in their hands at night, are liable to be committed?—Yes.

659. On account of your activity, have you not been served with notices?—Yes, hundreds; but I do not mind them; I laugh at them.

660. Notices to shoot you?—Yes.

661. Do you conceive that the peace will never be preserved until the comforts of the lower orders are improved?—I should like to see them improved, but I should like to see them quiet first.

662. You have stated that they did not mind transportation?—No, because they begin to laugh, and tell the judges they have done their best.

663. Can you conceive any situation in which the peasantry of Ireland can be placed, after transportation, more wretched than the state in which they exist in their own country?—I believe that they suffer very much when they are transported, some of them are bad enough here.

664. Then transportation must act as a punishment upon them?—Yes, it separates them from their families and the home that they have; but it does not seem to have any effect upon them.

665. Is not the condition of those people whom you see around you in the country as wretched as you can possibly conceive?—Some of them are.

666. Speaking of those criminals?—No, I do not say that they are of that kind.

667. Have you not known of many people concerned in those outrages receiving very good wages all the year round?—Yes, I have known some of my own men that have been out at nightly attacks, and came in as if nothing had happened, and I have had information against them.

668. Those men were employed for the whole year?—Yes.

669. Were they arrested?—There was only one, and there was not sufficient evidence to convict him.

670. Were your men ever served with notice to quit your work?—They said they were.

671. Did they quit your work?—Yes.

672. What circumstances were they in?—They had seven acres and a half of land each.

673. What do they pay for it?—About 38s. Irish, they pay, an acre.

674. Was it tolerably good land?—Yes, and a house, and I never received a farthing of money from them until they turned out.

675. What do you pay them a day?—Ten-pence the summer six months, and 8s. in the winter.

676. Did you give them turbarry?—Yes, plenty of turbarry.

677. They

Wm. W. Drayd,
Esq.

14 June 1832.

*Wm. W. Denyard,
Esq.*

14 June 1832.

677. They worked out the rent?—Yes, I did not care for that; but they came into my yard one morning, and I was never more surprised in my life; I considered they were treated with the greatest kindness; and they said they were served with notice not to work under 1*s.* a day. I said I thought I was the last person in the world, and advised them to consider of it; but they seemed very careless about it. I said you had better go to your work, but instead of that they put their spades up and went away. I said, now mind this, you have turned your backs upon me, and I will turn my back upon you; and I have never given them a week's work since, and I have got possession of their places.

678. Had you any disagreement with them?—No, except in one instance, I said I would turn a man off.

679. What time did they come in the morning?—Seven in the morning.

680. Did you fine them if they were not punctual?—I was not very particular.

681. What time did they go away in the evening?—Seven.

682. What sort of work was it?—If they were mowing, I gave them 2*s.* 6*d.* a day.

683. Did you give them any milk?—They had cows of their own, and horses too.

684. During these disturbances have provisions been low?—Yes, the potatoes sold at 1½*d.* and 1*d.* per stone.

685. There had been no particular circumstances of distress?—As far as potatoes go, they have been abundant.

686. And the abundance of potatoes has gone to make plenty of milk instead of hay?—Yes, they give their cows potatoes twice a day.

687. Is there a balance due against you at the end of the year?—We are generally pretty clear.

688. You have spoken of wages paid by gentlemen; in what particular manner are the wages that are earned paid, is it in money or by any other means?—Generally they are paid every Saturday night, but sometimes they may take some quarter-land or so.

689. For which they pay in gales?—They pay it out of their labour.

690. Do you mean the Irish acre, when you said they had it at 38*s.*?—Yes.

691. You have spoken of the wages paid by the farmer being low, in what way do they pay them?—They generally give them a cabin and an acre, or half an acre of ground.

692. What is the charge for that?—Something very high; they charge them very high for the grass for a cow; they charge them high for quarter-ground; and they are often obliged to sell their pig to make it up.

693. Do they charge much for the use of an acre of ground?—Yes; as much as three guineas.

694. You have stated that in all those dealings between the farmers and the labourers, the farmer charges very high prices against the labourer?—Yes, I think he does.

695. How is the account kept and settled?—They have what they call a tally, and the farmer keeps one part of the tally, and the labourer keeps the other.

696. Is it a hook?—No; it is a stick, and they cut them in crosses for ten days.

697. At what period is this account settled and wound up?—Generally every six months.

698. What is the result; does the farmer pay money ever upon settling the tallies?—I should rather think not.

699. In point of fact, the labourer works for the farmer under a system by which he never receives money?—Scarcely ever.

700. Is not a large portion of the labouring class in this particular situation, being employed by the farmer and not by the gentlemen?—Yes; a great number of them.

701. It must be the majority of the labouring class of the country, who are in the situation you have now described?—Not the majority; some number of them.

702. Whatever there may be of suffering under the system of low wages, and the feeling of grievance, is principally to be ascribed to the conduct of the class of persons who employ labourers, rather than the upper class of gentlemen?—Yes; I think so, so far as I know; the gentlemen of the country give good hire.

703. What class of farmers do you comprehend in the term "farmer," is it merely the occupying farmer, or the middle-man?—I think the middle-man gives very low hire, though the lands are let high.

704. You

704. You would embrace in that description the middle-men?—Yes; and the under farmer to him again; a middle-man takes a farm from his landlord, and he gets it at a very fair rent, or in some instances under the value, and they set again, and get a very high rent.

705. So that though a system of very high rent and low wages may exist in the country, the proprietors get very low rent?—Yes.

706. With respect to the proprietors of land in Queen's county, in your opinion is the rent high or moderate?—In that part of the county I live in I conceive that the land has been let for the value, and a great deal very cheap.

707. Not more than the value?—No, not more.

708. Does the system of middle-men prevail to much extent in that part of the county you are acquainted with?—Not to a very great extent.

709. Do you think your own firmness contributed to your own security?—I think it did; if the people had not given up to the system at first we should not have been quiet now, and we should not have been here now.

710. Do the gentlemen adopt the system of middle-men?—No.

711. Is it the system to let with the non-nomination clause?—1825 was the time of passing that Act; in the leases made since that the landlord will not let his tenant underset; I am talking of the leases made previously to that.

712. Then of late years the system of middle-men is not encouraged by landlords?—I do not think that they encourage it; they do not allow them to underset.

713. On the contrary, has not of late years every effort been made by the landlord in fee to prevent the system of middle-men?—Yes; I think, generally speaking, the landlords will not allow their immediate tenants to sublet.

714. Then, in fact, the Subletting Act had the operation of preventing the landlord permitting the middle-man disposing of his ground?—Yes, it had that effect.

715. Is there a scarcity of land now in the Queen's county for the lower class of occupiers?—There is an immense population in a part of the county that cannot get land.

716. Does it arise from a disinclination to let land in small portions?—I can only speak of my part of the county; I know the demand for land near me, and there are 80 families living on 300 acres.

717. The Committee have been speaking of those families who cannot get land; does the want of land arise from the difficulty of subletting, or the land being already fully occupied?—The land is fully occupied.

718. You have stated when your labourers refused to work you deprived them of their homes?—Yes, I did.

719. Do you know what has become of them?—I do not know exactly where they have gone, and I do not care where.

720. Do you believe that many of them have become Whitefeet?—They were Whitefeet before they left me, and there are very few that are not one or the other.

721. Do you not think there are a number of wretches in the Queen's county who are not either Whitefeet or Blackfeet, in a state of destitution, without any fixed habitations, or any means of living?—They have habitations of one kind or another, but there are some of them that have no land attached to them. The outrages that have taken place in my neighbourhood have been committed by the very lowest class.

722. People without adequate means of support?—Yes, some of them, and some not.

723. When a man inhabits a house without land, how does he provide the means of subsistence?—By working, if he can get it.

724. You have stated that work is not regularly to be had?—In part of the country they want work for four months in a year.

725. In what way does such an individual manage to exist?—I do not know.

726. Are there many of that class in the country in the towns?—I am not alluding to the towns; all the people in the towns get plenty of employment, and particularly in the towns near me; there is great demand for workmen in the towns, and many of them are weavers.

727. When persons lose their land, like your labourers, they have the resource of going into the town, and there they get employed?—Yes, generally speaking.

728. What employment can they get in the town?—In the town near me there

Wm. W. Dwyer, Esq. is always a demand for labour; in the town of Mountrath there is employment for many weavers.

14 June 1832.

729. Those that are not weavers?—They get other employment.
730. Are not the towns filled by persons who have been turned out of their holdings, and who are living in a very wretched state?—I am not aware of that.
731. Do you not conceive that that must have a tendency to make the population of the towns very wretched?—Yes, if that is the case.
732. Do you know the rent of small tenements in towns?—No, I could not answer that question.
733. Were you at the last assizes of Queen's county?—Yes.
734. Can you afford the Committee any information as to the number of convictions for offences affecting the peace of the county that took place there?—There were a great number of convicted; I think 31.
735. Can you form any estimate of the number of outrages that took place in the half year preceding the assizes?—I forget exactly; there were a great number, but there was more in proportion between the last assizes and the commission, in six weeks.
736. The question was put to ascertain whether you could form an estimate of the amount that the outrages affecting the peace of the county had borne to the convictions?—I cannot accurately answer that.
737. Were all that were indicted convicted?—Yes, at the last commission, except one.
738. Have many persons of respectability, such as comfortable farmers, been identified with the disturbers of the public peace?—I think there were four or five farmers; they were not from my neighbourhood. There is a gentleman here that will state that; I only heard it from him.
739. Do you conceive that the prosecutors who have come forward and done their duty, have been adequately protected in the Queen's county?—I believe that those that came forward at the last commission were; they have not been remunerated yet, but they have got protection; they cannot go back again, they would be murdered; there are some in Maryborough and some in Dublin, I believe the Government will take care of them.
740. Their condition will not be worse after prosecuting them than before?—I cannot speak to that, it will depend upon the intentions of Government.
741. Have any of them been supplied with the means of emigrating?—I believe they have not since the last commission; I do not know what the Government intend doing with them; I believe they will be furnished with the means of emigrating.
742. Do you conceive if witnesses were adequately provided for, so that when they came forward and did their duty they did not render their condition worse than before, that it would have the effect of putting down the disturbance by the ordinary laws?—It might encourage witnesses to come forward to prosecute.
743. Can you suppose that any Government could be so neglectful as not to take care to reward any persons who came forward for the peace of the country?—I should think not.
744. Have many of the Queen's county gentlemen followed your example in turning out their tenants?—I cannot answer that question; I wish every farmer had done so.
745. Have you removed any of your tenants off the property?—No, I have not, and I was sorry that those men obliged me to do it; I was determined not to give up.
746. They put the necessity upon you?—Yes, I should have shown a very bad example to the country if I had not done so.
747. What number of families did they consist of?—Only four or five.

Colonel Ralph Johnson, called in; and Examined.

Colonel
Ralph Johnson.

748. YOU are a magistrate of Queen's county?—Yes, I am.
749. You served a considerable time in the army?—I did.
750. Have you resided lately in Queen's county?—Yes.
751. How long?—More or less for four years, and two almost constantly.
752. In what part of the county?—Within a mile of Stradbally.
753. Has that part of the county been much disturbed?—I do not think it has exactly close to me, but within a mile or two of it, very much.

754. What

Colonel
Ralph Johnson
14 June 1832.

754. What is the state of the rest of the county?—Very bad, nothing can be worse than the colliery district; but I consider that the whole of the lower orders are organized, though they have not shown themselves in my immediate neighbourhood.

755. Is that the case in the whole county?—I firmly believe it is.

756. What is the nature of this organization; who are the parties concerned?—I think it is a system of intimidation; they legislate, and do whatever they choose.

757. Who do you allude to?—The lower orders, and a good number, I will not say of the very best farmers, but the middling description; I cannot but say they are parties concerned, for they will not assist us in detecting these people, quite the reverse.

758. How do they carry on that system?—By intimidation, in the most frightful manner.

759. Have they any organization by committees?—I have reason to believe they have. On a search for arms that took place some time since in that part of the country, there was a regular case found drawn out, the same as a brief, stating the circumstances of the land that the man wished to lay claim to; in fact the case was decided on by the committee, and Rockite notices were found in this man's possession to be served on the individual he wished to eject.

760. Can you trace the proceedings further?—No, we could not; the man was put in goal; he was not tried at the last commission, as well as I recollect.

761. In cases where they have required parties to give up land, do you conceive it has been the result of a previous investigation of the claim?—I have no doubt of it; for some people who have remonstrated with these legislators have been told that they might hold their possessions till they heard from them again, and it appears they have satisfied this committee that it would be a hardship in removing them, as they have been allowed to remain, at least, they have not been interfered with; and it is generally supposed that these committees are to be bought over for a certain sum, but I have no proof of that.

762. When a house is attacked and robbed of arms, do they ever take money?—I think latterly they have; in the first instance they certainly did not, but latterly they have assumed more the character of robbers than they formerly did.

763. What do you imagine to be the object of this association?—I have said before, it is intimidation; to legislate; they conceive they have grievances, and they take this mode of redressing them.

764. What grievances?—Very many grievances, in my mind; I think there is very great mismanagement of landed property; it is very great even on the part of resident landlords, although not to the same extent that exists with absentees.

765. Will you describe what you conceive to be wrong in the management by the resident landlords?—Some of them do not pay that attention which, in my mind, it is their duty to do, by looking after the wants and wishes of their tenantry. With regard to the absentees, in the part of the country I allude to, there is not that attention which common humanity would suggest. I have a letter which I will hand in, it will prove this assertion, it is from a gentleman of moderate property, about 3,000 *l.* a year; he lives near Carlow.

766. What are the absentee properties to which you allude?—They are, Mr. St. George, about 1,500 *l.* a year; Mr. Hamilton, about 2,000 *l.* a year; Mr. Wood, about 2,500 *l.*; Mrs. Cavanagh, about 1,000 *l.*; Mr. Putland, 1,200 *l.*; Mr. Fitzgerald, 1,500 *l.*; Mr. Bolton, 2,500 *l.*; Lord Ainslie, 2,000 *l.*; Mr. Cuff, 600 *l.*; Mr. Bourne, 1,000 *l.*; Mr. Sanders, I do not know how much; Lord Kenmare, he lives in Ireland, his property is about 1,500 *l.*

767. Is that rent?—Yes; Mr. Eustace, 1,200 *l.*; Mr. Carter, 800 *l.*; Mr. Featherstone, and four other names, amounting to about 1,500 *l.* a year; the whole of them have about 20,000 acres of property, amounting to about 25,000 *l.* a year, which, if the Committee will have the goodness to have the letter read, will be described.

[The Letter was delivered in, and read.]

768. Are the proprietors of these estates in the habit of subscribing to assist in relieving the distresses of the poor?—With but few exceptions, never; here are lists of the subscribers to the Infirmary, (*handing in some papers*), and the Committee can judge for themselves.

769. How

Colonel
Ralph Johnson.

14 June 1834.

769. How are the rents received?—In general by agents, who merely run down to receive them; and in many instances those agents are persons who from their former employment know nothing of land; in many instances they are attorneys, and even men who get their agencies by lending money to their employers, for the purpose of getting the agencies, and for that reason it is generally thought that those attorneys are not very backward in getting into lawsuits with the tenantry.

770. With regard to the tenantry, are the agents in the habit of taking any fees?—It is generally supposed that a number of agents, before they give a lease to any tenant, get what is called "grease-money," or "tip-money."

771. Are you able to state what rents are paid by the tenants of those estates, are they exorbitant?—I do not know that property myself; the gentleman I allude to tells me they are not exorbitant; but in fact from the system that is adopted of paying the agents for the lease, the whole of the capital is taken from the farmer, and let him pay what he may, his farm is a bad thing to him.

772. Have they other means of obtaining money from the tenants on other occasions, except that of granting a new lease?—I believe there are trifling fees; but the former is the great evil.

773. You are acquainted with the district of country that lies above these estates, called the Colliery district?—Yes.

774. That embraces a part of the county of Kilkenny?—Yes, it does.

775. Is that part of the country very much disturbed?—Yes, it is to that part we attribute the inoculation of our part of the country.

776. What part of the country should you say lies in that region which is so highly disturbed?—It is a district 16 miles long, and 10 in breadth.

777. Are there any resident gentlemen in it?—Except Mr. Stapleton, who from his exertions as a magistrate has been driven out of the country, there is not one.

778. It is a mountainous district, the roads of which were not passable until lately?—Yes.

779. Is it populous?—Yes.

780. Is it covered by houses almost in every field?—Yes, as much so as any part of Ireland, and I have been through most parts of it.

781. Is the whole of this population in a state of combination and association?—Yes; and at the time they entered into this combination, there was not the slightest grounds for their doing so but pure devilment or vice; they were well employed, there was not a man in that country that was not fully employed; and two men who I committed to gaol, and have been transported since, told me they were earning from 2 s. to 4 s. a day.

782. What is the employment in that quarter?—As colliers.

783. They have the benefit of the market in Carlow and other markets, for their produce?—Yes, they have.

784. That enables them to get a good price for their produce?—Yes.

785. Is the rent of land there high?—I do not believe that it is considered very high; it is set for its full value.

786. Were these people set going by others; were they instigated by others?—I conceive they were. The minds of the lower orders have been poisoned by the speeches of agitators, who assailed the authorities of the country with impunity.

787. And by the publications containing those speeches?—Yes, by the agitators in their speeches, and the manner in which all the authorities of the country have been belied.

788. Has any effort been made to restrain these disturbances?—When we applied to the Government in the first instance for an additional force of police and military, there was considerable delay as to the police; they sent down Colonel Osborne to Castlecomer, giving him an extent of district that in my mind the most active man in the world could not take charge of in the disturbed state it was then in, and from that period it got worse every day; I think if there had been two active magistrates sent down at first, and a good selection made, as they have done since by sending Mr. Singleton, the thing might have been checked.

789. When did the present disturbances commence?—So far back as 1827; I should say that they were swearing, at that time, and it first made its appearance then.

790. What do you think was the immediate cause?—I cannot say what was the

the immediate cause; there is at all times a disposition to enter into combinations in the lower order.

791. At that particular period was any specific cause assigned, was there any prominent complaint?—I think there was a good deal to say to it in removing people off their lands.

792. Is that organization traceable up to that period; has it continued?—Yes, within this last year and a half it has become most formidable; it is unsafe to move through the country.

793. The question refers to the frame-work of the associations, and the meetings that took place; has the habit of meeting continued uninterrupted?—I do not think they were organized at this period, but since it they have been shown the utility of becoming so, by the different associations that were got up in the country for other purposes; and finding their grievances have not been redressed by those they considered their friends, they have taken the law into their own hands.

794. At what time do you conceive that the present regular form of proceeding commenced?—About two years ago.

795. Who have been the ostensible agents concerned in it?—That is a thing that I cannot say; if I could get at that we would crush them very soon.

796. Part of their proceedings consists in public meetings and speeches?—Yes, by the agitators; we are blessed with a pretty set of them in Queen's county; they are a set of men who will assert any falsehood to answer their own ends.

797. These asserters of falsehood, who are not very nice about the means they use, how have they proceeded?—By calumniating the authorities of the country, and holding up the landed proprietors as tyrants and oppressors of the poor.

798. By publications chiefly, or by public meetings?—Public meetings wherever they could get them.

799. Do you think that between those public meetings and the present disturbances of the country, there is an obvious connexion?—Yes; and I have no hesitation in saying they are urging these people to break the laws whenever it suits their purposes; and you cannot expect a people like the Irish to go just to the proper bounds and stop there.

800. You conceive that these publications and meetings have given a stimulus to the public mind that is now producing its effects?—Yes.

801. And that that is a principal cause?—Not altogether; I do conceive that there are grievances which these people have taken an unfair advantage of, and worked on the minds of the lower orders, they have made them appear worse than they really are. I think there are very many grievances, and it is my wish to expose them as much as I can, and at the same time to point out what I think are the remedies.

802. What you consider the grievances acting upon this disposition, and acting upon the feelings engendered by those meetings, have produced the present outbursting of disturbance?—Yes.

803. What are the grievances you were about to allude to?—I have said removing people off their lands.

804. Has that taken place to any considerable extent?—I will not say to any great extent.

805. To what extent?—There are properties that they have been removed off.

806. Several, or only one; what are the properties?—Some years since a good number were moved off Mr. Corsbie's land.

807. How many years ago?—Seven years ago; and a good number have been lately moved off Lord Lansdowne's estate.

808. When did that take place?—They have been removed within the last six months. My brother has also removed some, but he has invariably given those he has removed money to establish themselves in other places.

809. He has given them the means of transporting themselves out of the country?—No; he has not asked them to leave the country, except two or three, but there is no feeling against him in consequence.

810. What other properties have they been removed off?—None immediately about me.

811. Can you form any opinion of the number of persons that have been turned off?—No, I cannot; I was not in the country at the time.

812. Do you conceive that has tended to produce materials for such illegal associations as are now existing?—I will not go to that extent.

813. Do you think it tended to that?—It is one of the grievances, certainly.

Coloel
Ralph Johnson.
14 June 1832.

814. Besides the grievance you have just now mentioned, you have stated that there were others arising from the ill management of property, what are the grievances you consider resulting from the ill management of property by agents?—In the first place the farmer is deprived of his capital by the improper conduct of the agent, and taking this, as it is termed by the farmers tip-money, from him, they are not looked after; and if a spirit of insubordination appears, there is no one to check it; there are no institutions on a great number of these properties, such as dispensaries, opened to afford them relief. A man may have to go 8, 10, or 15 miles to get a ticket for the infirmary, and getting it from a person that he has no connexion with, he is begging a favour from him; I consider that is a hardship. Farmers are in the habit of setting con-acres and cottages; in many instances the poor man is charged three and four times what the farmer pays the landlord, and the cottier pays his rent by working at a low rate for the farmer, and from one year's end to the other, never gets a farthing for his labour. We will say that a farmer sets his acre or acre and a half of ground to a family who are going on very well, but by the death of the husband there may be a woman and four or five young children left without means of support; this is absolutely the case; I know it to be so; they are left on the world, and they are by this farmer turned off, and become beggars and thieves. We had two such instances at the commission that was held in the Queen's county the other day; one was a man for committing a murder, and the other for stopping a man on the high road and demanding arms from him; one of those unfortunate people is to be hung, and the other transported. Those I conceive to be substantial grievances, and that the crime of the country arises in a great measure from the want of care of those people.

815. When the capital of the farmer is diminished or taken from him, does not it lead to want of employment?—There cannot be a doubt of it.

816. Does that evil prevail to any considerable extent?—I fear it does. There is another thing I wish to mention; in some instances those agents are in the habit where a farmer has to pay 200 *l.* or 300 *l.* of taking his bill at, say, 90 days; he gets a discount on this, and if the farmer can pay a certain sum at the end of 90 days, he comes in and pays it, and the bill is renewed: all this discount money goes into the pocket of the agent, and even if the landlord wishes to get, or is so hard pressed that he must have the money at once, the agent charges the tenant six per cent. for the discount, while Messrs. Latouche, or any bankers in Dublin, will do the same bill at five per cent.

817. Is that mode of collecting the rents from those properties a common one in the district you have been speaking of?—I am informed by farmers that it is done to a very considerable extent. I believe there will be farmers before the Committee, and they can inform them more fully about it.

818. Are those the grievances complained of by the disturbers of the public peace?—They are not. I do not think the poor people know exactly what they are at; it is, I think, more to get possession of their former takes.

819. Do those grievances tend to create a spirit of insubordination?—Yes, more or less they do; but the poor people are ripe for anything. An instance came before me in Maryborough of a man going up to a young fellow in the street, and putting an immense loaded whip into his hands, such a weapon as you have no conception of; he said to him, "Go and knock that man down," and he went and knocked him down immediately, and the man was nearly killed; it was proved to our satisfaction that he never saw the man before.

820. Do they consider the payment of tithes a grievance?—Yes, that is the principal thing.

821. Do they consider church cess a grievance?—The thing is not talked of now.

822. Are they considered as extinguished?—Yes.

823. Do they consider county cess a grievance?—They positively say they will not pay for the additional police.

824. Do they begin to consider rent as a grievance?—They are talking of making the landlords consider them more, and some of those gentlemen they hear very smooth words from, they say it is all they get from them, and that they must reduce their rents.

825. You stated a case of claim upon land; did that refer to the possession of the actual property, or a claim in the form of a brief, making out a statement of the case?—The brief was drawn out by a man who had disposed of his farm for nearly

nearly its value, and wishing to get it back again he applied to the Whitefoot Committee in the manner I have stated.

826. Do you think that the resistance to the payment of tithe is more directed against the impost itself, or is the objection to pay tithe to the church, in consequence of its opposition to the religious feelings of the people?—It is decidedly from opposition to the church.

827. More than to the impost itself?—Decidedly.

828. Do you think if the tithe is put upon the landlord, and the tenantry are sensible they have to pay it in another shape, that there will be the same objection to pay an increased rent that there is now to the payment of tithe?—I do not think they would pay the rent; I am acting as agent for my mother, and I would not think of putting it on if I wished to get the rent.

829. Have you observed in the combination against tithes, whether it derives any countenance from the Protestant part of the farmers?—Except by intimidation, I should certainly say not, but by intimidation it may.

830. And by that means they have been successful in getting Protestants to refuse to pay it?—Yes, I think the whole business of tithes has been done by intimidation; nine out of 10, both Catholics and Protestants would have paid their tithes, and paid them willingly, but for intimidation.

831. Do you think that these organizations amongst the peasantry embrace any but the very lowest class?—I have no hesitation in saying that they do.

832. Do you think that it is traceable to any principle of general leadership; do you think that each county is independent, and acting upon its own bottom, or that there is a general combination as well as a county combination; a general frame-work of the society as well as a local frame-work?—In the Queen's county there must be some decided leader, it is the opinion of a person much more capable of judging of these things than I am, a most active and intelligent police officer who has been sent there, he has also been in Tipperary, in Clare, Galway and Kerry; and he says that in the course of his service he never saw anything on the same organized system that the disturbances in Queen's county have been carried on.

833. What becomes of the families ejected from farms?—That I cannot answer; I fear they have to go and do the best they can.

834. Have you found on the trials at the special commissions that many persons brought to trial have been persons ejected from farms?—Only one that I am aware of; I speak of my own district.

835. Were there any other causes operating in displacing the tenantry except a desire to increase the size of the farms?—Not that I know, except where you meet with bad characters.

836. Was there any other cause about schools?—Not that I know of.

837. Do you know a district of country lying near to Kellyville?—You need not beat about the bush, you mean my brother.

838. I allude to 12 or 14 houses inhabited by a respectable class of labourers who were dispossessed and their houses thrown down, in consequence of their refusing to send their children to a particular school?—That is not the case.

839. Can you state it?—I can. They were close to my brother's house; there were more than 12 or 14 families; there were a great number of those who had been detected in thefts when employed in labour, perhaps five or six; they were turned out of their work, and they never paid their rent; in fact, it was useless to ask them for it. They were removed, and others were removed; and the latter received money to locate themselves in different places, and in every instance where there were old people, either widows or widowers, they were allowed to remain in their houses or were removed to others, and there are now I think four people of that description remaining who have had their lands and houses for many years rent-free in other parts of the property; their children are put out to trades and provided for in different ways, and I do not conceive there is any hardship there.

840. Were the houses from which they were removed thrown down?—They were, and all that part was improved and brought into the domain.

841. Was there any instance within your knowledge of a Catholic farmer being dispossessed, and being told that the reason he should not get a renewal of his lease was because he was a Roman-catholic?—Certainly not. I rather think the man alluded to owed my father about a year and a half's rent; he could get no money from him, and I think that a very justifiable ground for removing a tenant.

Colonel
 Ralph Johnson.
 14 June 1832.

842. Were any persons removed because they refused to send their children to a particular school?—Certainly not.

843. Was any person removed, a loser by his ejection?—No, I should certainly say not, excepting those I stated to have been turned out for misconduct: all the Irish have a natural wish to stay where they were born.

844. Did Mr. Johnson make such a compensation to them as was more than the value of what they lost?—I will not say more, but he gave them a fair and reasonable thing, from 6*l.* to 8*l.*

845. How near was the land to your father's gateway from which they were removed?—It was within a stone's throw of the back entrance to the place.

846. And the domain was entirely round it?—Yes.

847. The school in question was burned?—Yes, it was.

848. Did that take place before or after the removal?—Before the removal.

849. What were the causes assigned for that burning?—I was not in the country at the time, but I have always understood that my mother wished the cottiers children to go to the school, and they would not, and it was burned down; that is all I know of the matter.

850. Was the schoolhouse built by your father?—Yes.

851. And established for the benefit of his estate?—It was there for the good of his property, and a small property of Lord Portarlington's adjoining it.

852. Does your brother pay any pensions to those people?—He does to old cottiers.

853. To what extent?—I know one man for whom he pays 5*l.* a year to his sister or some relation of his, for keeping him; the man is an idiot; and a number of others we have among us put to different trades, and got them to be servants and different other occupations.

854. Has the conduct of your brother on this occasion produced any manifestation of any displeasure on the part of the persons removed, by any overt act of mischief?—None whatever: while they were there the whole of the woods, which are very considerable, were constantly plundered, and people always running through them, and since that I will venture to say there has not been so much damage done to the property as there is to many gentlemen's parks in England; and simply for this reason, that when a few people are found in the woods, laying hold of them and taking them to the petty sessions, and entering a fine against them, and pretending to be very severe; but there is no instance of any person being punished or fine indicted.

855. The politics of your brother are generally considered liberal?—None of us take any decided part; we do not wish to interfere with them if they do not interfere with us.

856. Your father always resided upon his estate?—Yes.

857. And kept a considerable establishment?—Yes.

858. Is not your brother indefatigable in his endeavours to benefit the condition of the poor around him?—He has at least 40 men constantly employed in his labour.

859. Can you state the cause of the origin of the disturbance at Hanlan colliery?—No, I cannot decidedly. I know it is generally supposed that Mr. Hanlan has had an amazing number of the very worst characters in the county in his employment.

860. Was not a person murdered there?—Yes, a Mr. Gregory.

861. Was there any cause assigned in the county for that horrid murder?—If it is not pressed on me I would rather not state it; it is a thing I do not like; if it could be avoided I would rather not state it.

862. Was it in consequence of ejecting persons from the ground?—There was a priest who had some law-suit, and this Mr. Gregory in his profession acted against him, and I believe that he was the only person who could be got to act against him, and for having done so it is supposed he was murdered.

863. Did you ever hear that his murder was connected with the ejection of persons from land under very severe circumstances?—I never did; what I have stated is supposed to have been the cause. It was done in open day, and it cannot be got at, though there are thousands of people who saw it, and the people who did it are as well known in the country as it is that any member of this Committee did not do it.

864. How soon was any further step in the business taken?—I cannot say.

865. Was it within six months?—I cannot say.

866. It

Colonel
Ralph Johnson.
14 June 1832.

866. It has been quite impossible to get a clue to the murderers?—Quite so.

867. Was not there a man tried for it?—Yes, a man was tried, and the jury could not agree.

868. Is he still in gaol?—Yes, he is to be tried next assizes.

869. Are you of opinion that the commission that has lately been sitting at Maryborough will produce the restoration of tranquillity in the country?—I think if it produces any good result it will be merely through fear. I do not think it will be from any amendment in the minds of the people.

870. Do you think it will have the effect of producing fear in the minds of the people, and deterring them from this system of outrage?—It is very hard to form an opinion upon that. During the sitting of the commission there were some of the most horrible outrages ever committed in the county.

871. If the commission fails, what do you think ought to be done?—I cannot say; I think it is a dreadful thing to have armed people going about the country on open day with arms, and if you meet them there is no law to enable you to take them up.

872. Are they able to do this in defiance of a large police force and the military?—The military are absolutely useless, except at fairs, or where they can be brought to act against large bodies of the people, except as a rallying point for the police.

873. How do the people avoid the police?—The country people will rather mislead the police than otherwise.

874. Do they communicate to the Whitefeet the approach of the police?—Yes.

875. So that there is a general conspiracy against the law, in favour of the association?—There is.

876. Do you think if three or four men are met in the course of the day with arms, that they are not to be arrested by law?—Certainly not; you can fine them for having unlicensed arms, but you cannot do anything else to them without you can bring an outrage against them, and you cannot get any men to come forward and say they are intimidated.

877. Is not an armed body of men parading the country, a terror to the King's subjects?—I should think so; but even suppose you take them up, what punishment is there for them? only a year's imprisonment.

878. What do you conceive to be the punishment?—Imprisonment, and no more.

879. You conceive that the law is deficient in that respect?—Yes; Mr. Barrington says it is nothing more than imprisonment.

880. Can you state any other defects in your opinion in the law, in regard to putting down and punishing outrages?—At fairs, for instance, these persons met, and the first commencement of their operations was to beat every man into their code. I think that if at quarter sessions the barrister could have sentenced them to be whipped, nothing would have stopped it so soon, and I know it is the opinion of our assistant barrister it would have stopped it.

881. Do you mean private or public whipping?—Public whipping.

882. Do you think that any means used will effectually suppress it, that does not put a stop to the midnight maraudings of these people?—I think it would be very difficult to do it, and I conceive in half the mischief that is done that their plans are formed at wakes and at public-houses.

883. Is not a great deal of the mischief done in the day-time?—Yes, a great deal, and the farmers are more afraid of being assassinated by day than they are by night.

884. How do you account for it that persons should expose themselves in daylight; are not they afraid of the police?—No; they can run as fast as the police, and they know they will be protected by the country people.

885. Do you not think that the facility with which licences are obtained for public-houses has been very injurious?—Yes; and I look upon it that the immoderate use of ardent spirits is the cause of half the mischief in Ireland.

886. Would it not be an improvement if the magistrates were confined in their powers of licensing, to the district sessions to which they belong?—I think, speaking generally, the magistrates are guided by the recommendation of those who know the localities.

887. Have you known instances of magistrates at petty sessions refusing a licence, and it being granted by other magistrates living at a distance?—No;

I have

Colonel
Ralph Johnson.

24 June 1832.

I have known instances of magistrates refusing licences, and on the party refused appealing to the quarter sessions, the decision of the magistrates being revised.

888. Have you known any instances of the Board of Excise granting licences that the magistrates had refused?—No, I have not; I cannot speak positively of the Board of Excise, but I have been told that unlicensed houses have been reported to the Board of Excise, and they have not taken those steps that they ought to have done to punish them.

889. What are the general class of persons who take out licences for the sale of spirits?—A very low class.

890. Do you not think it would be an improvement if a qualification was required before a licence was granted?—Yes, I do.

891. Do you know a society formed in the Queen's county to check the grand-jury rates?—Yes, I do.

892. Do you conceive that that has had any evil influence on the present state of the country?—I do.

893. Do you conceive such an association was necessary among the farmers to check the expenditure of the grand jury?—I know, since the formation of this society, roads have fallen into decay; the roads I am in the habit of going were last winter almost impassable; and I know that farmers who were in the association were acting as supervisors, and declaring that the work could not be done under 1 s. a perch, though the people who were employed in the working of them were paid by those farmers in potatoes, at a most extravagant rate; and that since that, those roads have been kept in fully as good repair, that is, some of them that have been closely looked after, but generally speaking not in as good repair, for half the money.

894. Is it not a common practice, under the grand-jury system, for farmers who become overseers of roads to give to the labourers they employ provisions instead of money, at a much higher rate than the market rate, and afterwards charging them a discount for paying them before they receive the money themselves?—I do not know anything about the discount, but I know they charge an exorbitant rate for the provisions.

895. So that the labourer who is allowed 1 s. does not receive that 1 s. for his labour?—He does not.

896. Is not that one of the causes of disturbance in the country?—No, I have not heard of that.

897. Do you not think it would be a just ground of complaint on the part of the labourers?—I do.

898. Do you think the grand-jury system generally is a cause of complaint among the farmers and peasantry of the country?—Yes, among the farmers, but not among the peasantry; for these farmers in the Queen's county club are the agitators, and they make anything or everything out to be a grievance. I am not a grand juror, but these club-men make out things as grievances, and state things that have not the slightest foundation in truth.

899. Does not great jealousy exist among the farmers that one farmer should be preferred to others to be the road-maker, and have the expenditure of a certain sum of money, when another man who contributes as much has not anything to do with it?—No, I have not heard of that.

900. Do they consider it a great advantage to be the chief manager in a road presentment?—Undoubtedly, it gives him employment for his horses.

901. And under a better system the public would have a better road at a cheaper rate?—Yes, undoubtedly; the thing would be more general; it would not be a monopoly for one man and his cottiers.

902. Would you recommend that there should be a provision for the labouring poor, either as a labour-rate or a poor-rate?—I should certainly think that the maimed and infirm ought to be taken care of, but I have not studied the matter.

903. Do you conceive that it is possible for the peasantry of Ireland to be peaceable and contented as long as their present state of misery continues?—They were peaceable and contented when they were much more miserable; but they were let alone by a set of demagogues.

904. Do you think there is any connexion between the Whitefeet in Queen's county and those you denominated demagogues?—I think they are led by them.

905. Do you think the demagogues advise them to break the law?—They tell them not to break the law, but I have no doubt they sincerely wish them to do it.

906. Have

Colonel
Ralph Johnson.

14 June 1832.

906. Have not some of the demagogues suffered in their property?—Yes, some of them have.

907. Is it likely they would instigate them to do that by which they would be sufferers?—I do not think they contemplated they should be attacked, but by courtting popularity they thought they were making friends for themselves.

908. It has turned out the reverse?—Yes.

909. Have not these individuals you think in some degree the authors, and remotely the promoters of this mischief, suffered themselves?—Yes, they have.

910. Have they been attacked in their houses?—Yes; and some of the former agitators in the Queen's county are the most oppressive people in the country.

911. Have they been served with notices?—Yes.

912. What have they been desired to do?—To treat their labourers better and pay them better wages, and feed them better.

913. Have they had arms taken from them?—Not from any that were decidedly leading agitators.

914. Then the Whitefeet exhibit a feeling that those persons have not been free from the faults they charge upon other persons?—Certainly.

915. If the state of the peasantry was improved, do you think that those agitators would have the same power they have now?—I cannot conceive that human beings would listen to such falsehoods unless there was some foundation for them; but they make things infinitely worse, and distort them in a way that no man of honour would do.

916. What has been the conduct of the Roman-catholic clergy in the county?—Lastly they have done everything they could to suppress it.

917. In the first instance, as far as regarded the tithes?—I have not been at Catholic chapels, but if I am to believe what I hear, they did everything to prevent tithes being paid.

918. Is it your opinion that the opposition to tithes on the part of the combination in Queen's county, is directed against the money itself or against the Established Church?—Against the Established Church.

919. Has it not also something to say to the money part?—I do not conceive it has.

920. Have you ever heard there was any combination existing between the farmers and labourers now, in case of the total abolition of tithes, that the farmers considering themselves relieved from the payment of tithes, had promised to increase the wages of the labourers?—Never, nor do I believe there is anything of the sort; for I do not think that the farmer, if his lease was out, would be benefited by it.

921. Do you consider that the disturbances in Queen's county upon the whole are connected with religious feelings?—I am afraid that there is a good deal of religious feeling in it.

922. Do you believe that it has arisen from the conflict and public argumentation between the clergy of different religions?—Yes.

923. And the travelling itinerant members of Bible Societies?—I do.

924. Do you not think that a great deal of exasperation has been caused among the Catholics by those means?—I do; and I think it was ill judged and ill advised doing it.

925. What is your opinion with regard to the applications made in some instances for introducing the Insurrection Act?—I have heard people who have seen it in operation say that the greatest benefits arose from it; others have stated that it made the country gentlemen very much disliked by the peasantry.

926. Are you sufficiently acquainted with the nature of it to be able to judge, if the magistrates of Queen's county had to administer it, it would not lead to establish that sort of breach between the magistrates and the people which would be very inconvenient?—I am not sufficiently acquainted with the thing to say: I think it might be so framed that the magistrates might commit people, and leave them to be tried by the Judges at assizes.

927. As preferable to leaving the punishment in the hands of the magistrates?—Yes.

928. Do you not think that a law which compelled the landed proprietor to employ his tenantry and to relieve the poor, would meet those objections and complaints that are made by the individual whose letter you have handed in, and in which you so properly concur?—I do think that much would be done by insisting

Colonel
Ralph Johnson.

14 June 1832.

on all landed proprietors employing agents that should reside and encourage the good at home, and check the evil-disposed.

929. By adopting a system of relief and control?—Yes.

930. Do you conceive, if the Catholic population were not obliged to pay large sums to maintain Protestant pastors, there would be that hostility that you describe on the part of the Catholic population?—I really do not think that the farmers or poor people formerly took any interest in it; I think if they had been let alone they would have paid their tithes, and thought no more about it; that it was all forced on them.

931. When you knew Ireland some years ago, did you find there was any hostility on the part of the Roman-catholic population to those of the Protestant religion?—I did not.

932. Do you attribute it to the circumstances that have grown up since, and not to any bigoted feeling on the part of the Catholic?—Yes, I do attribute it to circumstances that have occurred since; the people were told that they must not pay tithes, and the clergy were abused and vilified.

933. In your experience have you ever found any dislike on the part of the Roman-catholic population to serve you faithfully?—No, certainly not; some of the best servants I ever had, and some of the most intimate friends I have are Catholics.

934. Are you of opinion, that independent of the causes of excitement you have alluded to, the Roman-catholic population would have remained quiet?—I have not the least doubt of it.

935. In your opinion do the magistrates of the country consider they have been well supported by the present Government in Ireland?—I have no charge to make against the Government as far as the applications we made; they were attended to as speedily as we had a right to expect, except in one instance where there was some delay in sending police, but I believe it was unavoidable. I think we have been treated badly, and very badly.

Sabbati, 16^a die Junii, 1832.

SIR HENRY PARNELL, BART., IN THE CHAIR.

Colonel *Ralph Johnson*, called in; and further Examined.

936. ON your last day's examination, you mentioned an instance in which you thought the magistrates had been treated badly by the Government, in a case of application for support?—That is not exactly what I wished to express: I have no fault to find with Government generally, but merely upon the statement that was made by the Secretary for Ireland, where the whole of the magistrates of the county are charged with not having done their duty, and where, for my own part, and that of the whole of my brother magistrates, I know we have always done so to the utmost of our power; and I think it excessively hard and unjust to make such a general charge against us. If there is an individual among us who has not done his duty, we should wish him to be exposed, but I think it both unjust and impolitic, and I have no hesitation in saying it injures us in the minds of the lower orders, making such sweeping charges; we have always been ready with our purses or time, and our persons.

937. When the disturbances first appeared, were there meetings held of the magistrates?—There were.

938. Were there several meetings?—Yes, several; I attended regularly, I think every fortnight, for a considerable time, at Maryborough.

939. The first meetings were general meetings of the whole body?—Yes.

940. Was there a committee of magistrates appointed?—Yes, a central committee.

941. How often did they meet?—Once a fortnight; but if occasion required we were ready to meet every day.

942. Individually, did they make every possible effort in their districts to enforce

enforce the law?—I know in our district they did; and a gentleman I have mentioned before in my evidence, as being sent down to our district, declared he had never met with magistrates who were more anxious and willing to do their duty, and seldom with any so much so.

943. Do you refer to the chief police magistrate?—I do.

944. Did the magistrates, individually, expose themselves to much risk in discharging their duties?—They did; my brother, Colonel Weldon, Captain Pope, Mr. Fishbourne, Mr. Chapman, all in my district, have turned out, and gone in pursuit of people who had been committing depredations in the country.

945. And by taking this decided course you have exposed yourself to the acts of vengeance of the Whitefeet?—We have; and I have been warned to take care of myself, and those people have declared that I should meet the fate that Mr. Potts met with, a man that was murdered in the colliery; and when I know these things, I think it a great hardship to be accused of not having done my duty.

946. When you say you have complained, you had a complaint to make in one instance of the want of assistance from government, have the goodness to state the case?—I do not mean to say a complaint against the government, but I think the police were not sent so speedily as they might have been; but I do not make it as a complaint, because I do not think government had it in their power to send them sooner; I think that is a defect in the police establishment.

947. You do not allude to any particular instance?—I allude to the colliery. When we first made an application for police and military, the latter were sent immediately, and a stipendiary magistrate; but in place of one being sent, there ought to have been two; the district was too much for any one man; and if a large force of police had been sent into the country at once, and an active magistrate, the thing would have been checked.

948. What is your opinion with regard to the services of the police, as compared with the services regular soldiers can render upon those occasions?—I would infinitely rather have the police in a disturbed country than soldiers; I look on soldiers as quite useless, except you bring them against bodies, or as a rallying point for the police and well-disposed.

949. Then for the purpose of checking and putting down this great conspiracy, an increase of the police would be better than an increase of regular troops?—I do; I would rather have 10 police for that service than 100 soldiers, though I am myself a soldier.

950. The expense of the one is very great in the county?—Yes; that is for the consideration of other people.

951. The expense upon the public at large would not be greater, because they might be put down when it was over?—In my humble opinion, if the police were managed in the following manner it might be effected, and the discipline of the army materially served by having, say in each county town from 50 to 100 police, in place of a company of soldiers: you could then drill and organize them, and have it as a dépôt, and if a policeman was taken sick at any station, immediately relieve him; have your hospital, bring your man into the hospital, cure him, and let him go to his duty again, and then you would by these means be able to send this large body of police to any fair or any place where they were required; and I think you would in time do away with the impression that exists on the minds of the lower orders, that the police are not that formidable body that the soldiers are.

952. Would you make any alteration in the officering of the police, or in the present plan of chief constables?—I think I would as soon have them a little rougher description of men.

953. What class are the present chief constables?—They are men that a magistrate does not like to order about; they are gentlemen, and one feels delicate in ordering them to do things that it would perhaps be advisable should be entrusted solely to them.

954. You would not altogether dispense with that class?—No; it is very necessary to have men of a higher class over those I have before proposed.

955. At present there is a chief constable of this description to every barony or two baronies?—Yes; and I distinctly say I have no charge to make against any one; they are zealous in the performance of their duty.

956. Is there any one chief constable over the rest of those chief constables in the county?—Yes.

Colonel
Ralph Johnson.
15 June 1831.

Colonel
Reynolds Johnson.

16 June 1832.

957. Has he the authority of a magistrate?—He has got it lately, merely from there being no magistrate at Maryborough.

958. Supposing you had a different and rougher description of chief constable in each barony, what description of chief constable would you give for the head of the county; would you have one or two of the present chief constables to help them?—I would have one of the present chief constables, who should be a magistrate.

959. With the power of a police magistrate?—Yes. I would have these hard-working men at different stations under his command; but I think it would be necessary to have them as numerous as at present.

960. What is the amount of the constabulary force in the Queen's County?—That I cannot positively say; it has been considerably increased in consequence of the disturbances.

961. Would not the plan you propose of having 60 men stationed permanently in a county town, lead to a very considerable increase of force, and consequent increase of expense?—It would; but I am talking more of where the county was in a settled state; the provinces or counties might borrow from each other a few of those well-disciplined men.

962. Cannot the Lord Lieutenant order at present any force of the police out of one county into another?—That would exactly meet my wishes.

963. What is the feeling subsisting between the populace and the police?—They have the greatest detestation of the police; I cannot express it too strongly; they will not give a man potatoes if he is sent to guard a house.

964. What is the feeling subsisting between the people and the regular troops?—The people have not that animosity to the regular troops, and they do suppose that the regular troops would not act against them; but I have no more doubt of it than that I would act against them.

965. What do you mean by their having a lower opinion of the police than the military?—They look upon them as a set of men they can beat; but I have seen them in very precarious situations, and nothing could exceed their coolness and steadiness; the best disciplined troops in the world could not act cooler or better.

966. Do you not think that the cause of hostility to the police is, that they are brought more constantly against them?—Yes, and that they do their duty.

967. Before those disturbances in the county, were they on good terms with the police?—Yes, much more so than they are now.

968. Then the cause of hatred of the police is owing to the proper manner in which the police execute their duty?—Yes; but in no instance do I know of the police having ill-treated the people; quite the reverse.

969. How are the police appointed?—By the magistrates of the county till the last batch; those were got by Sir John Harvey, I think, from the north.

970. The regular plan of appointment is by the selection of the magistrates?—Yes, but we thought it a dangerous thing to do it in the state of the country, that we could not depend upon the people; we did not know who were fit for it or not.

971. You were not able to select in the county?—No.

972. Are the Committee to understand that the policemen in Queen's County are not men belonging to the county, but strangers?—By no means; the last augmentation, which was 60 men, are strangers.

973. Does the feeling of dislike you have mentioned exist more strongly towards the strangers than those who belong to the county?—They have not been long enough in the county to say; they have not left Maryborough.

974. Can you ascribe this dislike to any other motive than from the state of the people, being in conspiracy against the law, and the police doing their duty and trying to enforce the law?—Certainly not.

975. You mentioned the other day several offences had been committed during the sitting of the commission?—Yes.

976. Can you inform the Committee what they were?—They are detailed in this paper; it is a Queen's County paper.

[*The Witness delivered in a newspaper, from which the following extract was read.*]

"Progress of crime in the Queen's County during the sitting of the special commission, which opened on Wednesday the 23d of May, and ended on Wednesday evening the 6th of June 1832: On Wednesday night, May 23d, a party of
Whitefoot

Colonel
Ralph Jackson,
16 June 1832.

Whitefeet attacked the house of Mr. John Greene's steward; they fired a shot into the house, and not finding the steward, they in the most ruffianly manner beat his wife: his being considered by them as honest to his employer is the only supposable cause of this attack, and their not having found him in all probability alone saved his life. On the night of the first day of the commission a party of Whitefeet assailed the house of Oldglass, the residence of Robert White, esq., and having nailed a threatening notice to the hall-door, they fired several shots into the house; the bullets were found lodged in the walls and wood-works inside. Same night they attacked the house of Laughlin Kelly, and beat him and his two sons most unmercifully, and swore him to give up some ground which he has occupied for 20 years past. They then went to Edward Kelly's house, he fortunately was not at home; they however fired a blunderbuss at his dresser and broke every article on it. On the evening of Friday the 25th May, (being the third day of the commission, and the day following the capital conviction of Delaney for the assassination of Mr. Bailey of Inch), as Mr. D. Fleming of Monastererevan was returning to that town from Mountmelick in a gig, accompanied by Mr. Horan of Dublin, an attorney, when within a quarter of a mile of the town a shot was fired at Mr. F. by a ruffian who, from the flash of the pan, could not have been more than five or six yards distant; providentially the assassin was disappointed in his object. On the night of Sunday the 26th of last month, and during the sitting of the commission, a party of Whitefeet all well armed, broke into the house of a man named Walshe, a tenant of Mr. William Seran, at Capponellan near Durrow, and swore him to deliver a threatening notice of a very atrocious character to Mr. Harrison of Dairy Hill, a gentleman with whom he has no connexion whatever. On the night of the 28th ult. a party visited the herd of Mr. William Delany, of Durrow of Ballinasloe, and swore him to drive Mr. Delany's cattle home to him, and cautioned him on pain of death not to continue to not for him; the party fired several shots. On the night of Thursday the 31st ult. a notice was posted on the door of the dwelling-house of Mr. William Perry near Durrow, ordering him to give up his farm and to quit the country altogether, or that he should meet the fate of Fraime, Mr. Lyster's unfortunate steward, whose murder we announced some time since. On Thursday night the 31st May, a party of Whitefeet proceeded to the house of Patrick Whelan, on the lands of Boyle, and pulled it down to the ground; fortunately for Whelan and his family they made their escape: this was a new house and not quite finished, the occupier having been expelled from his former house; the poor man and family have been dreadfully persecuted. On Thursday evening 31st May, two armed men entered the house of Thomas Jones of Trammery near Mountrath, and swore him to give up his land; they then inflicted a bayonet wound on his body and gave him a severe blow on the head with the same weapon; he now lies in a speechless and hopeless state, as we hear, being unfit to be removed to the infirmary. On the night of the 2d instant, the dwelling-house of Edward Roe of Doon, was forcibly entered by three armed men, who beat him, his wife and son, in a savage manner, with the butt-ends of their pistols, and also with a wooden mallet which they found in the house: constable Carter of the Borris-in-Ossory station, on hearing of the outrage, immediately went in pursuit of the offenders, and succeeded about the hour of 12 o'clock, in arresting, at the house of a publican named Rays, who resided at Rocknave, four men who have been fully identified by Roe's wife and son, as the persons who attacked their house: we are sorry to add that little hopes are entertained of Roe's recovery. The windows and sashes of seven houses in the town of Mountrath were demolished on Saturday night, about 12 o'clock, by a party of Whitefeet. On Sunday the 3d instant the dwelling-house of John Wall, of Ballyhropley, was entered about the hour of 11 o'clock in the forenoon by three armed men, who forcibly carried away a gun; on leaving the house, one of them fired a pistol at Wall, the contents of which lodged in the wall by his side. On the night of the 3d instant two cows the property of Samuel M'Eayre of Roskelton were maliciously houghed. On the night of Sunday last the 3d instant, a threatening notice was posted on the hall-door of Humphrey Palmer, esq. at Earry-Duffe, ordering him to give up a farm which he has lately taken from Mr. Stulber; there were several shots fired near his house on same night. On Sunday the 3d instant Mr. Matthew Hanbury was assailed and severely beaten by a party of ruffians, while returning from chapel at Laggacurra; he now lies in a dangerous state. This is an instance of the contempt in which the power of the law is held

Colonel
Reiji Johnson.

10 June 1882.

held by these daring miscreants; as Mr. Hanbury prosecuted at the last assizes a man who narrowly escaped conviction, and who has since declared himself as one of a party who cruelly and dangerously beat him on a former occasion. In the colliery district Mr. Hanlon's engineer was fired at on Sunday last the 3d of June, but providentially without effect. As many of the Whitefeet of this part of the country have refused for many months back to work, although there is plenty of employment for both men and boys at all seasons in this neighbourhood, they are now, as might naturally have been expected, resorting to robbery as a means of support; indeed they have for a considerable period supported themselves by money extorted by intimidation from their industrious neighbours, such as by compelling them to pay a fine for being allowed to continue in quiet possession of their farms, &c. A man of the name of Murphy, who lives near Arles, was robbed a short time back of 10s. and his watch. We are informed that a man living in Monarree (near Mayo, where Magee was stabbed) was lately robbed of 5*l*. The house of Thomas Eaton, at Ing near Mountrath, was attacked a few nights since by six armed men, who broke his door open; Eaton stood at the entrance with a pitchfork, and succeeded in beating them off. On Sunday last, 3d instant, during the celebration of divine service, an armed party entered the house of Mr. Richard Dowling of Cherryhill, Cullough, and carried away a blunderbuss and a case of pistols: as the family were from home at the time, and the doors and windows fastened, they in order to gain admission discharged a blunderbuss against a window-shutter, and then introducing a hand through the breach made by the shot, pushed back the bolt, and entered through the window. On the night of Thursday the 6th instant, a party burst in the door of William Brennan of Knockbawn, in the colliery district. A few nights ago Mr. John Legate of Fossey, was served with a notice commanding him on pain of death to dismiss his two servant boys; as his men threatened to leave his employment if he refused to comply with the orders, and as he had the fate of poor Mr. Bailey fresh in his memory, he reluctantly obeyed the mandate of the Captain: the servants were trustworthy, and Protestants. If this system continue much longer it will be impossible for farmers to cultivate their land, and consequently to pay their rent."

977. Can you account for the people entertaining a contemptible opinion of the efficiency of the police, considering that the police have done their duty efficiently?—They are not so smart in their movements as regular troops; it cannot be expected.

978. If the military are more efficient in the way of alacrity and alertness, how does it happen they could not be employed on those services on which you say the police would be so serviceable?—I am merely talking of acting against bodies; individually a policeman will go over three times the ground that a soldier will: a soldier with his firelock and 40 rounds of ammunition, and if it is ruining his coat on, and if the officer strictly complies with his orders, a pack on, what can he do against a countryman, if the countryman runs from him?

979. According to that account, some of the police are much more alert than the soldiers?—No, they are not more willing to do their duty.

980. But they are more expeditious?—Yes; a policeman will jump over a ditch, and run after a fellow and catch him, and a soldier cannot do so.

981. In times like these you wish for a force that would be more proper for acting against individuals than bodies?—I wish them to act against individuals.

982. Are the Committee to understand that there is at present little danger of any tumultuary meetings?—Except at fairs I do not apprehend anything for myself, if they are not incited for the purpose of resisting tithes, or some other objectionable matter.

983. Have there been any of them?—No, there have not, immediately about me.

984. Is one of the objections to the police, that you are obliged to scatter them so much, they are left without the control of a constable or chief officer?—Yes, they are; but we have no complaint against them; and I cannot but suppose if there was any ground of complaint, the country people would be glad to bring them forward.

985. But it destroys their efficiency; they become slovenly, and get families?—Yes, perhaps so.

986. And less active than those kept together?—No; some of the best policemen

Colonel
Espl. Johnson.
16 June 1832.

men we have are married men: we do not wish them always to be upon their legs, I wish them to use their heads as well as their legs.

987. But when they are scattered it is more difficult to combine them?—Yes; a military force is more effective in that respect, but if you do not detach the police in small bodies of from six to ten through the country, you may as well be without them.

988. Does not it depend upon in what point of view you consider them; whether you consider them as a constabulary or military force?—Yes; I wish to consider them as a constabulary force, but I wish to drill them so that if there is a necessity for uniting them they would be a formidable force.

989. You would wish to use the troops *en masse*, and the constables singly?—Yes, or in bodies of from three to 10 or 20.

990. Can an individual policeman go with his side-arms into the country?—No, we never allow less than two or three, if possible, and always with their arms, and their arms loaded; there was an instance of two policemen being attacked and disarmed, and one of them nearly killed.

991. Would you at 12 o'clock at noon-day object to send a single policeman with his side-arms from Maryborough to Athy?—I would not do it; I think it would be unnecessarily and improperly exposing a man; I would do it on horseback.

992. The Committee observe in the answer to the application of the magistrates to Sir William Gossett, he states that certain districts have been proclaimed and placed under the operation of the Peace-preservation Act; what districts were alluded to?—The colliery district and the barony of Ballyadam.

993. What appeared to be the immediate effect of that measure?—That there has been an evident change for the better, particularly in the colliery district.

994. Did you connect that change with the Peace-preservation Act?—I do, and to the very great exertions of the police, and the arrangements that Mr. Singleton made; it is impossible for the insurgents to move; but it could not be done before, there was not the force in the county to do it.

995. You mean the distribution of the police force?—Yes.

996. That is rather the effect of the efficiency of the arrangements of the police than the effect of the Peace-preservation Act?—It is connected with it.

997. It is stated in the petition it is an Act that bears more oppressively upon the injured than the injurers?—The meaning of that is, that it entails a very heavy expense on the well-disposed, and on our stating that it bore heavier on those that did not break the law than the others. It was with regard to stronger measures being adopted by the Government; that other laws should be made that would not render it necessary to apply for this additional force.

998. Regarding the Peace-preservation Act as a part of the existing law, do you conceive that an efficient application of that Act to all parts of the Queen's County would be sufficient to overcome and repress the present disturbances?—I think it would stop it, but it would be only smothering it.

999. If persisted in and continued?—It would keep it down.

1000. You have spoken of the good effects of it in one district already?—Yes; as long as they keep a force there and keep them down, it will do so.

1001. Do you not think that smothering is preparatory to extinction?—Yes, decidedly; but it is an expensive way of doing it.

1002. Do you think it will be extinguished by those means altogether?—As long as the force remains it will.

1003. Do you consider that the operation of that Act is as effective as the operation of the Insurrection Act?—For my own part I would rather try it than the Insurrection Act: I do not wish to do anything that will annoy the people; but I think there are other amendments that might be made to the law, that would do away with the necessity of the Insurrection Act.

1004. Do you believe that the Insurrection Act ever did more than keep down or smother the existing disturbances; do you think it removed the causes of complaint?—From what I have heard from different people, I should be disposed to think it had done nothing more, and had excited the people very much.

1005. Then, in your view of it, the Insurrection Act rather excites than finally extinguishes discontent?—No; I will not say it excites; I would rather endure a great deal than give them any ground of complaint.

1006. You have stated there are other amendments you conceive would be useful in tranquillizing the country; will you state the amendments you consider necessary?

Chester
 Ralph Johnson.
 16 June 1835.

necessary?—If men were found in arms by day or by night, I would empower the Judges to transport them; I do not say I would make it imperative, but I would empower the Judges to do it. There was an instance of two men being taken up with arms in their hands and ammunition on them, and a lighted turf in their possession, and within 100 yards of those people there had been a house set on fire but a few moments before. Now these men were tried for being out by night in arms under the Whiteboy Act, and imprisoned for a year or eighteen months; but surely those people ought to have been sent out of the country.

1007. Do you not think there are many people who would rather be sent out of the country than kept 18 months in prison?—I do not; I saw the difference in the sentences; where men were sentenced to imprisonment when they might have been transported, they seemed extremely grateful for it.

1008. Do you not believe, upon the return of those people to society, after a certain imprisonment of 12 or 18 months, that they come back in a more determined and desperate state?—There cannot be a doubt of it.

1009. Are there any other suggestions you would make to the Committee to amend the law to preserve the peace?—I have before stated that it was my opinion, and that of the chief barrister of the county, that public whipping would check the fighting at fairs: it is more for the disgrace of the thing than the pain endured that I would do it, and I am sure it need seldom be resorted to; add to which, a man must be tried and convicted before a jury before he can be sentenced to it, which was not the case by the late Insurrection Act.

1010. In addition to whipping, does any other remedy suggest itself to you to check the drinking and fighting at fairs; might you stop the public-houses?—They would not take out licenses if you stop them on market days and fairs.

1011. Do you not think that a great deal of the odium attached to the police is from their being forced to interfere with the people at those fairs?—Yes.

1012. Coming in contact with them when they are committing trifling offences?—Yes; and I would certainly suggest, wherever it was possible, fairs should be attended by large forces of police and military.

1013. Then you think that the prompt interference of police with the people at fairs has not tended to produce mischief?—I have found at the fair at Timahogue, where my brother and I make it a point to go on the fair-day, getting as large a force of police and military as we possibly can, that since we have done so it has been perfectly quiet, and the fair has improved amazingly; I conceive it the duty of a magistrate to prevent crime rather than punish it.

1014. It is a matter of usual occurrence at a fair, is a disturbance?—Too much so.

1015. Supposing you are going to attend a fair, and had depositions sworn before you, which you had reason to believe, that there are two factions in the town that are likely to fight when the hour of sunset comes on the day of the fair; do you conceive you have any authority to shut up public-houses or clear the fair?—Where there were merely tents up, and it was more in suzerance than right, we have made them clear it, more by civil treatment and remonstrance with the people at Timahogue than coercion; we have always got them to clear their places, but I will not say I should positively insist upon it, unless I had very strong grounds to go on, and I saw there really was fighting.

1016. Or a tendency to it?—Yes; I have done it on a Sunday.

1017. In a case of that occurrence, would you suggest that at any hour after sunset a legislative measure should be enacted to enable magistrates, under depositions sworn before them, to give them power to clear fairs or shut up public-houses?—I think it very desirable.

1018. Suppose a public-house to be shut up at a certain hour, and an individual seen drunk in the street was not taken up at the moment and acted upon by the police, but brought before a magistrate on a subsequent day, and punished by a penalty or any other mode; do you not think such an example would have a tendency to preserve order?—That is the system we have adopted, and we find it does not answer; we have several policemen going constantly quietly about with their tablets, taking men's names down who are disorderly, and studiously avoiding coming into collision with the people, and then bringing them up before us in petty sessions, and according to the magnitude of their offences we punish them, but we do not find it sufficient.

1019. Upon what principle do you think, as a magistrate, you have a right to bring

bring before you a man who is seen merely in the fair?—I do not pretend to say I have any right to bring a man before me who had committed no crime.

1020. Does your answer refer to men engaged in riot?—It does.

1021. Is it your opinion, as a magistrate and a gentleman conversant with Queen's County and Ireland generally, the existing evil complained of in Queen's County has in any degree arisen from the disturbances at fairs; is there any connection in your mind between those disturbances, which from time immemorial have prevailed at fairs, and the kind of conspiracies or illegal meetings you have spoken of in the course of your evidence?—These conspiracies meet at the fairs and beat well-disposed people into their measures; as far as it goes it has a reference to it.

1022. According to that account of it, the conspirators avail themselves of the fairs, but the disturbances at the fairs did not produce the conspirators?—Precisely so.

1023. Have the farmers generally throughout the county evinced a disposition to co-operate with the magistrates in the formation of associations, or on the contrary?—They were applied to in our neighbourhood by my brother, and there were a vast number of them who would have joined. Mr. Adair, a magistrate, applied to his people, and they said they would join him; he called a meeting of them, and Mr. Cassidy, one of the principal, in fact I may say the principal agitator in the country, attended this meeting; he harangued them, and not a man would come forward: this was an unarmed association, and the other day Mr. Cassidy was one of those that proposed precisely the same thing, with the exception of studiously avoiding even the name of a magistrate. I have the latter part of this from a friend of Mr. Cassidy, who lives in Stradbally, to whom he sent papers connected with the proposed formation.

1024. The question propounded to you had reference to your own opinion as to the general tendency of the farmers?—I will give another instance.

1025. What is your opinion; is there a tendency among the farmers to assist the gentlemen?—I do not think there is; they are now beaten into it, they are frightened. We entreated them to keep their servant lads at home, and to give us quietly any information that they could. They did not keep those servants at home, nor did they give us anything like the information that I am certain they could have done.

1026. When you speak of the farmers, is it with reference to the religion they belong to; are they Catholic farmers?—The Protestants are afraid to come forward.

1027. You said they were beaten into the plan of association?—I meant that the Whitefoots have frightened them into it.

1028. Do you mean the Catholic farmers?—Yes.

1029. They have suffered from the conduct of the Whitefoots?—Yes, considerably; but I consider they have brought it on themselves.

1030. Do you mean that the Catholic farmers would not come forward?—I do not wish to make a distinction between the Catholics and Protestants in anything I say, except that I do not know of any Protestant having been concerned in the Whitefoot system.

1031. Is there any indisposition on the part of the farmers generally to co-operate with the magistrates?—There was.

1032. To what do you ascribe that indisposition: you have mentioned the instance of Mr. Cassidy coming forward and taking the peasantry out of the hands of the magistrates; do you think that Mr. Cassidy and those acting with them have a greater power over the farmers of the country than the magistrates have?—Yes, more power than any man in the county; and I have heard of instances where the people have been desired not to attend the petty sessions, but to apply to their priests to settle their differences.

1033. Then the direct interference of Mr. Cassidy is quite sufficient to destroy the magisterial influence in the county?—Yes, decidedly; it is by downright force we are able to do anything, they do nothing with good will. It appears to me that the aim of these agitators is to make the lower orders distrust the magistrates and country gentlemen.

1034. You have stated a fact in which a particular individual interfered, and successfully interfered, as defeating the object of the magistrates in forming an association, and that same individual afterwards proposed the formation of associations?—He was one of the party.

Colonel
Frederick Johnston.
 10 June 1832.

1035. In what manner did they propose it?—In pretty much the same manner that he had rejected.

1036. Did they admit in their proposal the Government or the interference of the magistrates, or was it a proposal that should subject the management of those associations entirely to themselves?—The proposal that came from an individual, one of the agitators, was, that they should select their own centurion, and the word "magistrate" never appeared in the proposition; I think the word "authorities" did, but the word "magistrate" was studiously avoided.

1037. At the first meeting you say this agitator made an address; was it against the persons who proposed it, or against the measure itself?—Against the measure.

1038. Then you think it is the object of the agitators to supersede the constituted authorities, and to govern the population of the country?—It looks very like it.

1039. And that they possess the power of doing so?—I think it is very like it.

1040. Suppose the agitators suppress the outrages, should you not conceive that some benefit was obtained?—I cannot conceive people promoting and suppressing.

1041. Then you do not think that they will suppress it?—No, but that they rather wish it to exist.

1042. You have stated in a former part of your evidence that it is the practice of the agitators to imagine false grievances and colour real ones; have you ever heard them take any pains to propose a remedy for those grievances before the people?—Never: they never proposed anything that would relieve the distresses of the poor man.

1043. Do you think by any legal enactment it would be possible to restrain those agitators?—I think if their mouths were stopped you would have a quiet country.

1044. What do you mean by the agitators?—People making most inflammatory speeches.

1045. Whether religious or civil?—Yes, whether religious or civil. No man will say that the pulpit should be used for political purposes, or any other than religious. I am so far an agitator, I would wish to join them in redressing real grievances, but no moderate man can have any dealings with them. I wish to mention that the farmer removed by my father, I now recollect, was a Protestant. I know of but one instance of a tenant's having been removed; his name was Sheridan; and I do not think it likely that where a landlord had upwards of 40 Catholic tenants all without leases, consequently in his power, and that they not having been removed, and that in an establishment of 17 servants there are but four of them Protestants, that any such proceedings could have taken place as the question seems to imply; and with respect to the agents, it is not made a charge against those in the colliery alone, but it is the practice with many agents in Ireland.

Colonel John Stanton Rochfort, called in; and Examined.

Colonel
John S. Rochfort.

1046. YOU reside in the Queen's County?—Yes; on the borders of that county and Carlow.

1047. You are a magistrate?—Yes.

1048. You are acquainted with the present state of the county?—Yes, I am.

1049. Did you attend the last commission?—Yes, I did for 15 or 16 days.

1050. Have the goodness to describe shortly to the Committee in what state that county is with respect to disturbance?—It has been in an exceedingly disturbed state; all kinds of outrages, what we call insurrectionary or Whiteboy outrages, going on; serving notices to give up land, and that upon the penalty of having their houses burned, or their own persons being murdered.

1051. And taking arms?—Yes, whenever they can get them.

1052. That is, committing that class of outrages that have been known under the name of Whiteboy outrages?—Yes.

1053. What is the name the men go by?—Whitefeet; but it is the same system that existed in Clare, under the name of Terry Alts.

1054. That has existed for some years in different parts of Ireland?—Yes; by the same character, and for the same object.

1055. And conducted by the same means?—Yes.

1056. Is

Colneel
John S. Rochford.
16 June 1838.

1056. Is it general through the county?—Yes, I think it is; some parts are more affected by it than others.

1057. At what time did they first establish themselves?—I was abroad the whole of 1828 and 1829, and great part of 1830, but I understood it began in 1829; it was then checked, and began again more extensively in 1831.

1058. To what do you attribute it?—Remotely, I should say, to the general feeling of hostility between the ancient Irish and English, which has been transferred to the two religions, and that excited by various causes; the agitation for emancipation and tithes, and the various things of that kind, and the revolutions of Paris and Belgium.

1059. Then you mean there is a kind of indigenous spirit and feeling on the part of the people, originally hostile and continuing as such, to the law?—Yes; and to a great extent.

1060. The Queen's County, till the period you refer to, was generally very quiet?—Yes, it was very quiet; and a great number of respectable gentry residing in it. I think one part of the object of the agitators was to overturn as much as possible the influence of the country gentry.

1061. Is not the county conspicuous for the number of resident gentry?—Yes.

1062. And the good understanding that existed between them and the people?—Yes.

1063. And free from complaints of the conduct of the magistrates?—Yes; quite free from that, and every little cause of complaint of any other kind.

1064. And the duty of the magistrates very fairly and honourably performed?—Yes; I do not think they could have been better performed in any part of the world.

1065. Then with regard to the rent, what has been the conduct of the gentry towards their tenants?—I think the rents charged by the head landlords are in general moderate; and I think the gentry have in very few cases acted against their tenants, and in none where there were not great arrears; and where they have done so, in all the cases that have come to my knowledge they have remunerated the tenants, and given them the means to quit the land or transport themselves, and left them nothing to complain of reasonably.

1066. There were no grounds of complaint then in the county, of the conduct of the gentry in removing tenants?—No reasonable grounds, in my opinion; where any were removed, consideration was had for them.

1067. Is the association, and the ends of it, directed against the gentry?—Not particularly.

1068. Have they been attacked?—No; I only know of one gentleman; they attacked the Reverend Mr. Trench, curate of Athy: he was at church, and when Mrs. Trench had come home and was washing her hands up stairs, a band of armed men came in, and attacked the house, and carried off the arms.

1069. That is the only case where the house of a gentleman has been attacked?—Yes, the only house, I believe.

1070. Has any gentleman been injured in any way?—No, I believe not; but Captain Lyster was fired at, but he was not injured.

1071. The attack on Mr. Trench was more by stealth than by violence?—Yes, it was four o'clock in the day.

1072. Against what class are their efforts directed?—Against all the lower farmers who have arms; a portion of the Whitefoots might have gone for arms, but a great many committed robberies and burglaries, which all fall upon the poor. At the last commission three men attacked a poor woman's house, where she and her aunt lived together, and the whole property was not worth 10*l.*; they robbed her of what they could get, and two of them violated her; they are sentenced to transportation.

1073. In other cases, the attacks were upon farmers holding a few acres of ground?—Yes; and frequently in the same family, when there were disputes in the family, mostly about a small quantity of ground.

1074. Was there any committee managing and directing those proceedings?—I know nothing of my own knowledge; but it is impossible such a system could go on without it.

1075. Were there any distinctions made as to the religion of the farmers attacked?—No, I do not think there was.

1076. And the Catholics were attacked as well as the Protestants?—Yes.

Colonel
John S. Blackford.
16 June 1835.

1077. The greater part of the farmers are Catholics?—Yes, except the larger farmers.

1078. There was a person of the name of Dunn attacked?—Yes.

1079. What was the case there?—He was not at home; his wife was, and she was ordered to give a better treatment to the labourers; that meant better diet and higher wages.

1080. The gentlemen of the county who have been popular lately upon the emancipation question, have been treated with hostility by this association?—It has been so reported, but I have not come to a judicial knowledge of it.

1081. Their houses have been attacked and plundered of arms?—Yes; I believe not the houses of the gentry.

1082. It is not founded upon religious distinction?—No, but religion is the bond of union; I do not think they would trust a Protestant.

1083. Then this association is confined to the Roman-catholic religion?—Yes, but they prey upon Roman-catholics who do not join them.

1084. Have any Protestants been committed under charges of this kind?—No.

1085. The great majority of the lower classes are Catholics?—Yes.

1086. And the association is confined to the lower classes?—Entirely, as far as I know; but there must be some higher powers that move them, or they could not carry it on as they do.

1087. Have the magistrates been active in endeavouring to suppress it from the commencement?—I think the magistrates did everything they could do.

1088. With the aid of the police and the military?—Yes.

1089. Were the efforts to suppress it, as far as the law goes, successful at the last assizes?—Yes; a great number were transported at the last regular assizes, and 38 convicted at the special commission held on the 23d May last.

1090. But notwithstanding the number convicted in March, the outrages continued rather to increase?—Yes, and continued during the existence of the special commission.

1091. Is it probable that the convictions under the commission will prove more successful than the convictions at the assizes?—I should think so; there has been only one acquittal at the commission; the only evidence for identification was a young boy, whose evidence the Attorney-general did not think fit to rely upon.

1092. Do you think that a check has been given to it?—Yes, by the Lord Lieutenant ordering a general search for arms through the county of Kilkenny and Queen's County, and part of the county of Carlow, on the 9th of May last, and the special commission on the 23d.

1093. In what way do you conceive it has had that effect?—By depressing the spirit of the Whitefeet, by showing them that the Government is determined not to allow their proceedings to continue, and by encouraging the loyal portion of the inhabitants.

1094. In your opinion would it have been advantageous to check the progress of the association, if the Government had made an earlier effort of this kind?—Yes, I think it would; but the Government acted very prudently, they required a sufficient cause to be made out to them before they stepped out of the ordinary course of the law.

1095. Were the people previously impressed that the Government were not in earnest?—Yes; that was the idea given them by the agitators.

1096. Do you consider the agitators very friendly to Government?—I cannot say; they pursue their own objects.

1097. Are they in the habit of lauding the efforts of Government?—Sometimes they are, and sometimes they abuse it.

1098. You have said that those disturbances took place under some higher authority; have you any idea of any committees, or anything of that kind?—I stated before that they could not act as they did without support and advice from higher powers, but I am not acquainted with any.

1099. Have you heard there are committees?—Yes, I have heard so.

1100. Do you believe it?—I believe there must be some moving power; how it is formed I cannot tell.

1101. Are the Protestants and Catholics living upon good terms together?—Not perfectly so, but if this agitation had ceased in the county I think they would be upon better terms; whether it may leave an unfavourable impression upon their

their minds is to be proved; but if everything was restored to quiet, a few months would restore the good understanding between them.

1102. Do you think if the question of tithes was settled it would put an end to this?—I think the great agitation is upon the subject of tithes.

1103. In your neighbourhood has there been any sale of cattle distrained for tithes?—There was one attempted by the Rev. Mr. Whitty.

1104. Were you a witness to it?—No; but my family were returning from Dublin that day, and they passed through the crowd; the crowd came with carriages and four horses, and banners "no tithe," "no church-rate," and perfectly quietly and orderly, but evincing a firm determination that nothing should be done; nobody opposed the sale, but nobody bid, and no auctioneer put them up.

1105. You conceive the people were prevented by intimidation?—No doubt about it.

1106. Do you think that the people would have bid for the cattle if that attendance had not taken place?—There is such a general feeling against tithe now, that I cannot say.

1107. Was that feeling against tithe, or did it arise from the attendance of people, that stopped the sale?—I cannot say; but there is a general feeling against tithe.

1108. In the last five or six months has the tithe question appeared?—Long before: in the diocese of Leighlin and Ferns for some months past there has not been a single claim for tithes enforced; the clergy are determined to await the decision of Parliament.

1109. How do you account for the lower orders of the people being able to establish such a formidable association, and commit such outrages for so long a period, without it being checked in the first instance?—It was the want of a sufficiently numerous police in the country. I think there are some legal arrangements wanting that may check the commencement of these outrages.

1110. Do you think that the quickness with which the parties commence a system of outrage and establish intimidation, leads to the making it so formidable at once, as to counteract the open efforts the magistrates are able to make?—I think in the present state of Ireland there is a general intimidation over the country; the moment a Rockite notice is served, or a demand for arms made, intimidation commences, though it has been in a perfect state of quiet before.

1111. Do you conceive that the ordinary powers of magistrates, with the best disposition to suppress anything of this kind in the first instance, are sufficient for that purpose, or can be applied in the instantaneous manner necessary to stop the progress of it?—No, I think not; I think there is something wanting to enable us to check the commencement of the outrages, for they commence by small beginnings: a single man quarrelling with his own family about the division of some property, is enough to set it going; he gets in some people from the neighbouring county, they serve a Rockite notice and commit some outrages, and intimidation follows, nobody knowing where the blow will fall next.

1112. That is the way they increase their number and organize their system?—Yes.

1113. Is it done quickly and secretly?—Yes; so as to proceed to a considerable extent before the magistrates have any official knowledge of it.

1114. So that it counteracts the ordinary institutions for keeping the peace?—Yes, before the magistrates have any knowledge of it, it has risen to a great head.

1115. You conceive that to be the case in the Queen's County?—Yes.

1116. Can you say you are sufficiently informed of other counties to trace it to the same source?—No; but the Queen's County was organized from the county of Kilkenny, and from the colliery districts.

1117. You say the magistrates did their duty promptly?—Yes.

1118. Did they act upon the conviction that they would be supported by the Government?—Yes; but they complained that the support of the Government was not quick enough.

1119. Then with the view of preventing the recurrence of this system of association in the Queen's County, are you of opinion that some amendment is wanted with regard to the power possessed by magistrates generally, with respect to the means of administering the law?—I think the first commission of crime might be prevented by a more ready administration of the law; by the Crown solicitor

Colonel
John S. Rockfort.
16 June 1830.

solicitor having a clerk or a partner residing in each county town, who should have an office open ready to receive all applications and information upon the subject, and whose duty it should be to collect the evidence, and do everything in his department in the office; and I think that the quarter sessions should be, in the case of any disturbance, not adjourned over for three months together, but no longer than a week or a fortnight, according to the exigency of the case, so that prompt justice might be administered.

1120. Your object would be, in having this deputy-solicitor of the Crown, to watch the early proceeding, and assist the magistrates in taking steps to put a stop to it?—Yes, and to assist individuals who are attacked, and cannot afford to go to a solicitor themselves.

1121. You would have the prosecutions on the part of the Crown conducted by the Crown solicitor or his deputy, at the quarter sessions as well as at the assizes?—Yes.

1122. You would have the principal place the assizes?—Yes.

1123. At present only high cases are sent to the assizes?—The Crown never sends them to the assizes, unless they are of an insurrectionary nature, or savage murders.

1124. Do you mean that these county Crown solicitors should be applicable to the supposed case of insurrection, or generally introduced to assist in the more perfect and effective administration of the law in what are called quiet times?—I should think it applicable to both, and I think the state of Ireland calls for it: if the commission of lesser crimes is prevented, it will be one of the most powerful means of showing the common people that they can have reliance upon the protection of the law.

1125. Even in the best of times there is a laxity in the administration of the law, and in consequence a considerable degree of impunity, though no individual magistrate can be blamed for it?—Yes, certainly.

1126. That is for want of efficient machinery, as it appears, to conduct prosecutions, and to follow up crime by punishment?—I think so.

1127. Do you conceive that this impunity and facility with which petty crimes are committed contributes to keep the people in a sort of disposition to commit greater, whenever they are tempted by extraordinary motives?—Yes, it prepares their minds for it.

1128. In a case of those insurrectionary proceedings, is it your opinion that any alteration should be made in the law with regard to the punishment or the administration of the law?—My object would be to prevent rather than punish crime; and I think where those offences are committed by night, the people ought to be restrained to their houses; and I think, instead of having the severe punishment of transportation, which was enacted for people out at night by the Insurrection Act, I would recommend they should be domiciliary visits, and a fine, say of 40*s.*, levied upon a person who was absent from home, and could not show that he was out upon his lawful occasions.

1129. What court would you try the offence before?—I think it very desirable that the magistrates should be kept upon as good terms as possible with the people, and they should not be brought into hostile collision with them; that they should be looked upon as friends and not as prosecutors, or as many consider them, persecutors; I should recommend there should be a court formed of the assistant barristers and a King's counsel.

1130. But in times like these you would recommend there should be something in addition?—Yes.

1131. If such a power was given to make domiciliary visits at night, and inflict a small punishment, and to have the cases tried before such a court as you have suggested, you are of opinion that such alteration would contribute to prevent the progress of insurrection when it first appeared?—To a considerable extent, certainly. I do not think anything else would reach it; and I would apply the same punishment to being found out at night, and a more severe one to being found with arms.

1132. Would you include any other offences to be tried before the court you propose to have formed under the special circumstances?—The more all offences are tried as they arise the better. I would propose that the court should have the second class of insurrection offences referred to it, and in such cases should have the power of transporting for seven years; and I think, where those prisoners are condemned now to six months' imprisonment, that the Judges, where the offence

offence requires it, should have the power of adding to it hard labour, which they have not at present.

1133. Are there any measures that you could suggest that would contribute to diminish the temptation that may be supposed to exist to induce the people to embark in this system of association?—I do not know that I can suggest anything at this moment to meet the question.

1134. What do they consider practically the grievances that they live under?—What they complain of is the high rent of potato lands; that is one cause.

1135. Do you mean con-acre land?—Yes, and the introduction of strangers as labourers.

1136. Do you mean brought in, or coming in?—Either, I believe.

1137. Wages?—Yes, rate of wages.

1138. And the mode of paying the wages?—I do not think they have touched upon that, though that would be the fittest of all for them to touch upon.

1139. Why do you say that?—The more you can bring it to a money payment the better.

1140. What is the practice now?—To let con-acre land for potatoes, and to take the rent out in work.

1141. If the con-acre will not pay in work, do they pay the rent in money?—Very seldom.

1142. What is the course?—They buy wool and all other matters, so that they have no money to give them.

1143. It is a whole system of truck?—Yes, it is; they sell them the worst fleece of wool the same price as the highest is sold to the wool buyer.

1144. Is it the refuse that the wool merchant will not buy?—Yes; it is given to the man's wife, and she spins it.

1145. They reduce themselves to the lowest possible charge by the power they have over the labourers?—Yes; many cases have come before me as a magistrate; they seldom seem to have given them more than 1 s. or 2 s. at a time.

1146. So that they receive no money-wages?—No, very seldom.

1147. How did they get money?—They sell their pig.

1148. How do they supply themselves with clothes?—They use this wool.

1149. If the potatoes are not sufficient, how do they get more?—I do not know any way than with that.

1150. Is not this a state of things almost unavoidable from the numbers looking for labour?—Yes, I think it perfectly unavoidable; but having been three years abroad, upon coming home, and going extensively over the country, I never saw a greater improvement in the time anywhere in every class; and this very year I never knew so extensive a planting of potatoes, or so extensive a mowing, in this very county where these outrages are committing.

1151. What is the ordinary rate of potato land?—It varies according to the quality.

1152. In what way is the improvement of the lower orders visible?—In the better cultivation of the ground, and it is cleaner, and a greater extent of tillage; there is more manure used.

1153. There is the appearance of the possession of more capital in stock or money?—I have not a doubt of it that there is an accumulation of capital.

1154. Has this led to the employing more of the labouring class?—Yes, I think it has very considerably; because I am supervisor to some extent of road, and I have not been able to repair them this spring, the workmen have all been engaged in planting their potatoes and in other employments.

1155. Is the district of the country to which you refer very populous?—Yes, very.

1156. And they are all employed?—Yes.

1157. As soon as the potato planting is finished, shall you not find more persons than you can want for the repairs of the roads?—Yes, certainly, there must be intervals of that sort.

1158. If by any means this system of insurrection can be suppressed, is it your opinion that improvements will be progressive?—Yes, I think it will proceed to a still greater extent, particularly if the tithe question is removed.

1159. Do you conceive that the settlement of that question is absolutely necessary for the re-establishment of tranquillity in the Queen's County?—From what I have seen of the question I am sure the opposition is such, nothing else could restore it to its former state.

Colonel
John S. Rushfort.
16 June 1832.

1160. Do you consider if the tithe question was settled the peace of the country would be consequently re-established?—Yes, if there were no other causes to continue it. The tithe would be a great difficulty removed.

1161. Are you of opinion that the opposition to tithes is directed against the payment of the money, or against the Established Church?—I think it is against the payment to the religion that they do not belong to; and I dare say a little to save themselves from paying the money.

1162. You said just now you thought that the hostility was equally directed against the Protestants and Roman-catholics?—Yes, I see no difference.

1163. Were you at Maryborough during the late trials?—I was.

1164. Are you aware of some testimony given by a person of the name of Magee?—I heard of it.

1165. Do you consider that the facts are as stated by that person, and that the feeling of the country is, that the Protestants will be exterminated before a year or so?—I should suppose not; but as to the testimony given, she gave her testimony before three successive juries, all of which found the people guilty upon her testimony and that of others.

1166. What was the purport of her testimony?—I did not hear it myself, and I do not know that I can give information upon it. All the proceedings upon the trials have been taken by a very accurate short-hand writer.

1167. Is it your opinion that the whole of the Protestants in the Queen's County will be exterminated in a year?—No, it is not.

1168. Or that any one will?—No, certainly.

1169. Is it your impression that this lower class of persons concerned in the conspiracy now in the Queen's County were under the impression that by this time 12 months there will not be a Protestant left alive in Ireland?—I do not know the feelings of the conspirators.

1170. You have mentioned a modification of the Insurrection Act; that you would wish to give the power of domiciliary visits?—Yes.

1171. To whom would you wish to give that power?—That would be a question in the detail of it, whether a magistrate or chief constable.

1172. If you gave it the constable, it would be by a magistrate ordering it?—Yes.

1173. You have said it would be an exceedingly great advantage in Ireland, but magistrates should not be looked upon as the enemies of the people?—Yes.

1174. Do you not think those laws occasioned magistrates to be unpopular?—Yes, by forcing them to act; the magistrate can hardly do his duty and be popular in Ireland.

1175. Then that modification would have a tendency to make them most unpopular?—Yes, if they were to exercise it themselves.

1176. You said you would try them before the assistant barrister?—Yes.

1177. Would it be by jury or without a jury?—That would be for the Parliament to consider. I think they would have as much justice done them without a jury as with it; but it would be desirable to satisfy them on that point.

1178. And give the assistant barrister the power of transportation for seven years?—Yes, where the Judge now has it.

1179. You have said the Irish had an indigenous feeling hostile to the law; do you not think that it originates from being transported for seven years in many cases without a sufficient cause?—No; I may say that they have that hostility to all the existing institutions; it is a continuation of the old grudge, carried down from the Saxon or English inhabitants of the country, down to the Catholics and Protestants.

1180. You said against the law?—Yes; that is the way they feel the Government.

1181. If you are of opinion that it would not be advisable to introduce the Insurrection Act, how did it happen you stated in a petition you signed, or which was signed by the magistrates in the Queen's County, that the operation of the Act had produced a talismanic influence in the districts to which it was applied?—I did not sign that petition; but it may be true, although it is not a justifiable measure. Martial law may produce a talismanic effect, although not justifiable except under particular circumstances.

1182. But this modification you suggest should be adopted in all cases, at the commencement of a disturbance?—Yes.

1183. Did

Celand
John S. Rockfort.
 16 June 1832.

1183. Did that petition recommend the introduction of the Insurrection Act?—I do not know.

1184. Were you upon the grand jury at the assizes?—No; but I have no doubt that the allegation is true.

1185. Are you of opinion that the Act has produced a talismanic influence upon all those districts where it has been introduced?—Yes, I think it has.

1186. Will you specify any counties that are in that excellent state, that have been governed by it?—I believe in Limerick and Tipperary.

1187. Are you not of opinion, in point of fact, that that is not the case; that all the counties where they have been in the habit of introducing that Act, have been subject to a recurrence of the same offences?—Yes; but that has been from the original bad state of the society.

1188. Instance Tipperary?—Yes; I do not believe that it has been fully conquered yet.

1189. You do not propose that such a law should be adopted upon this occasion?—No; the Insurrection Act gives power to the magistrates to transport for life.

1190. You think that the magistrates ought not to have it?—No; I should be sorry to have the power or to exert it, but it may have that effect.

1191. You do not propose any change of the law, except under circumstances of actual open insurrection?—Certainly.

1192. It is for the sake of the magistrates, you would not wish to give them that power?—Yes; and for the future peace of the country, that the people and the magistrates may be upon kind and friendly feelings with each other.

1193. But you think a power may be given to the assistant barrister to transport for seven years, consistently with the peace of the country?—Yes.

1194. Would you not leave it to the ordinary tribunals; adopting these domiciliary visits, and taking up people, and strengthening the hands of the magistrates where they are feeble, but leaving the offences to be tried by ordinary tribunals?—I should wish to deviate as little as possible from the ordinary administration of the law, or what are called constitutional means.

1195. You have stated you would make use of the quarter sessions by having shorter adjournments?—Yes.

1196. With the view of having a more early administration of the law, you would call a special sessions?—Yes; or continued by adjournment.

1197. Was there any difficulty at the last commission in conducting prosecutions?—None whatever.

1198. Is it not the case that the people show considerable respect to jurors and petty juries; in point of fact you never hear of persons acting hostilely to a jury that have found verdicts against the people?—Yes, I recollect the case of a Mr. Moss, who did not concur with the rest of the jury at Maryborough last summer, and when he went home there was not a man that would cut his corn.

1199. Are circumstances of that sort rare?—Yes, I believe they are.

1200. You are one of the magistrates who attended a meeting at Maryborough the 22d of February?—Yes.

1201. And concurred in the resolutions adopted?—Yes.

1202. You have stated that the present disturbance is conducted by the same means that former disturbances appear to be conducted by; do you conceive that the organization on former occasions was equal to what it is at present; that they had perfected a scheme of rebellion?—I think it was always pretty perfect.

1203. Are you acquainted with the machinery of the United Irishmen?—Yes.

1204. Do you think there is any similarity between that and the present system?—Yes, as far as we can judge it is; but I am not acquainted with the machinery at present in use.

1205. Do you think that those eruptions of disturbances by persons denominated Thrashers and Hearts of Oak, and other temporary illegal agitation, were constituted as these are?—The Hearts of Oak were so far back that I do not think they had the same organization; but the others have been upon the same footing.

1206. Do you think that the disturbance in the Queen's County is managed by a local machinery separate from all others, or that it is a part of a general system operating in all counties?—I have no reason to say that it goes beyond the county. I have heard that there are one or two committees that sit in every parish and direct the proceedings.

Colonel
John S. Rochford.
16 June 1832.

1207. It is not your opinion that the model of those committees have been imported?—I do not say that; I dare say they have taken the most correct models they could find.

1208. You admit a similarity between them and the models?—Yes.

1209. Do you think that the peasantry would have entered into this conspiracy themselves unless acted upon by external causes?—No.

1210. You have stated that at no other time has improvement made greater progress?—Yes.

1211. Do you not think that is a very ominous feature in the character of the present disturbance, 'as it removes it from any feeling of distress?—Yes, certainly.

1212. And when every exertion has been made by the magistrates and gentry to make themselves as serviceable to the population as they can?—Yes, I think they have.

1213. And that therefore the present chasm that separates the two extremes of society, the gentry from the peasantry, has produced this result: that their authority as magistrates is entirely dependent upon causes that have nothing to do with any grievance connected with the conduct of the gentry?—Certainly.

1214. Do you think that the feeling against tithe just now is greater in the abstract than it has been upon former occasions?—Yes, I think it is.

1215. Would you ascribe it to a growing conviction of the odiousness of this impost, or to the result of agitation?—To agitation, and better organization.

1216. You have stated that the robbery of arms was one of the prominent objects in the present disturbances?—Yes.

1217. Is there anything besides that and the tithe grievance, and the apparent desire to obtain arms, that you think very prominent?—Not a general cause.

1218. You consider both those as general causes; the one a cause of complaint, and the other an anxiety to obtain the means of resistance?—Yes; I do not say that they sought arms to make resistance against tithes, but there is always a great anxiety among the people, when there is a resistance, to possess themselves of arms.

1219. With the present opinion of the injustice of the tithe question, supposing it is demanded in the shape of rent-charge, in lieu of the present demand, do you think they would have the same objection as they have now?—If they paid it to the church they would feel the same reluctance.

1220. Do you not think they would have discernment enough to find out there was no alteration in the payment?—I think the landlord would soon find it out.

1221. Do you not think it would render the landlords odious to the people, and place them in the position in which the clergyman is at present, and expose them to a great deal of popular odium?—Yes, if it is to be applied directly to the payment of tithes; but if it was to be done that way, I should recommend it to be in the shape of a land-tax for the purpose of the State, and let the clergy be paid out of the treasury.

1222. If the clergy are paid from this, do you think that the same feeling would not operate?—In a lesser degree, and collision would be avoided.

1223. Do you think there is a fair prospect of these present associations being dissolved upon the settlement of the question of the tithe, or would they not be applied to other uses?—Yes, very likely.

1224. And in the course of time rent might be considered an intolerable grievance?—Very likely.

1225. Do you think it is reasonable to expect permanent tranquillity in Ireland, when there is such a state of wretchedness, and the people so badly clothed, fed and housed?—My abstract opinion is, the lower in the scale of society the populace is, the more sure you are of its obedience.

1226. In order to keep the country quiet, you would keep the country wretched?—I would not keep it so, but I think it would secure the tranquillity of the country.

1227. Is there any part of the cause of the present Whitefeet association to be attributed to distress?—I think not to any general distress, because some of the most active people of the Whitefeet have had the means of earning a great deal of money; many of them are colliers, whose wages are from 2s. 6d. to 4s. 6d. or 5s. a day.

1228. What class of persons form the committees?—I do not know.

1229. Are they farmers of the higher class?—I should rather think not.

1230. Still

Colonel
John S. Rochford.
16 June 1835.

1230. Still of the same low description as the Whitefeet themselves?—Yes.
1231. Do the Whitefeet include the whole labouring population, or is it a portion of them?—The acting part are only a part of the population.
1232. Have you any Blackfeet?—I could never trace one; I never found any man that was not a Whitefoot.
1233. What is the cause of the distinction of the name?—I cannot tell you; I never could find it out.
1234. Are you aware of the Whitefeet oath?—I have heard of it.
1235. With regard to the police force, have you anything to suggest to the Committee in the way of improvement to that force?—I think the police force may be improved; and I understand from Sir John Harvey there are measures now on foot to improve it, and it would be as well to wait to see what effect they have.
1236. What are the objections that occur to you?—I think the chief constables of police have been too much of the rank of gentlemen.
1237. Have you found the force efficient in your neighbourhood, and very well conducted?—Yes, very well in general, and there is very severe discipline exercised over them; they are either fined very heavily or dismissed by the magistrates for breach of discipline.
1238. And there is no fault to be found with the exercise of their duty?—No, not generally; there are cases where the men will overstep the bounds of their duty.
1239. What is your opinion of the police as a body?—They are a very fine body of men.
1240. With respect to affrays and misdemeanors, is it the custom to allow the prosecutor and the prisoner to compromise?—Never.
1241. You stated just now that the country was very peaceable till within these five or six years past?—Yes.
1242. And the gentry have been most conciliating in their conduct?—Yes.
1243. Have you known, in the Queen's County, that 150 families have been turned off an estate without any provision for them?—I have heard of some, but not nearly to that extent, and not without due consideration for their state.
1244. You do not know that one individual turned off 150 families?—No.
1245. Do you conceive that very conciliating conduct?—Certainly not.
1246. Or that the people turned off in this way would not be very likely to enter into disturbances?—Unquestionably.
1247. Do you recollect 1829?—I was out of the country.
1248. Do you attribute any of the excitement that has taken place in Ireland lately, to the religious disputes that took place then?—I do not know the effect of it; I was not in the country at the time.
1249. Do you know of any labourers being turned out of their homes for refusing to send their children to a particular school, where particular tenets were taught?—No; I heard of the burning of the school of Sir Allen Johnson; what the motives were I do not know.
1250. Was that after the turning out of anybody?—I do not know; I believe not.
1251. You have stated that the agitators have represented the gentry in the worst light?—Yes.
1252. Do you conceive that that may have arisen from the gentry opposing generally the extension of civil rights to their countrymen?—It may have had an effect.
1253. Have abatements been made in the rent in that country, in proportion to the fall of prices?—I conceive so.
1254. Do you conceive that a man is paid for his labour in proportion to the value of the produce raised?—I think the labourer is generally underpaid; that is always the case where there is a greater supply than demand.
1255. Would not that account for a great deal of the disturbance?—Yes.
1256. Do you conceive that the number of public-houses licensed in the country may not be the cause of a great deal of the mischief?—No; but the unlicensed public-houses are a very great cause.
1257. Are the persons who take out licenses persons you would like to entrust?—No, not if we could choose, but we cannot make a selection; but there is a class of persons who have no property at all, and who have only a gallon of whiskey

Colonel
John S. Rochfort.

16 June 1873.

in the house at a time, and those are the houses that are frequented by the Whitefeet.

1258. Have they increased of late years?—Yes, I think they have.

1259. Would you attribute to that any large portion of the disturbances?—Some, and a great deal of the atrocity of them. Dr. Doyle has told me they get a glass at one and a glass at another, till they are worked up to a state of phrenay.

1260. Have you heard that the Catholic clergy have endeavoured to repress those disturbances?—Yes.

1261. Do you conceive that the presence of the Catholic clergymen may not be useful to prevent outrage?—Very highly useful.

1262. Do you conceive that the Catholic clergy have attended those meetings to repress violence, or excite it?—They have attended to keep them within bounds, but their feelings have gone with them upon the matter of tithe.

1263. Do you conceive that the Catholic clergy could preserve any influence over the people, if they opposed them in their views?—No; and I am sorry to say they are losing their influence.

1264. Do you think the influence they possessed useful or prejudicial?—Very useful to the State, and I should be very desirous to increase it.

1265. You are not one of those who think that the Catholic clergy are exciting the people to disturbance?—Certainly not to disturbance, but they certainly excited them against tithe.

1266. Did they excite them in their opposition to tithe, or have they been forced into it by the will of their flocks?—I have already stated that they have been called in by their flocks, but their own feelings coincided with them.

1267. Do you not think, if they opposed the present feeling against tithes, they would be without the means of restraint?—Yes.

1268. And treated as bad as the Protestant clergy?—I think so.

1269. You were a firm friend of the Catholic relief measure?—Yes, for many years past.

1270. And looked forward to great benefits from it?—Yes, and I am in favour of it still, though the quiet has not yet occurred that we expected from it.

1271. Are you of opinion it has contributed to produce a better feeling in the country already, and to do good?—In the upper classes of the Roman-catholics it has: in the lower classes their prejudices are not removed.

1272. What do you conceive to be the reason it has not had the general effect you expected?—I think that the agitation raised to carry the Catholic Relief Bill has been transferred to other objects.

1273. That agitation having come into existence in consequence of postponing the settlement of that question?—Yes.

1274. Or any other questions that have been agitated?—Yes, there are many questions.

1275. Do you include the reformation meetings?—I cannot speak to them.

1276. Do the circumstances that attended the carrying that question tend to keep up agitation?—Certainly.

1277. Are you acquainted with a meeting that took place at Bagnalstown some time ago on the subject of tithe?—Yes.

1278. Are you acquainted with the speeches made at that meeting by the Roman-catholic clergy?—I might have read them at the time.

1279. Have you any general recollection of their character?—They were very violent, I believe.

1280. Were they confined to the subject of tithe?—I believe they took in every grievance that they thought would inflame the people.

1281. You have stated as your impression that the Roman-catholic clergy's influence is serviceable in repressing a spirit of mischief among the people; how would you reconcile that with those most atrocious speeches perhaps ever delivered in the county of Carlow to a public auditory?—If the Roman-catholic clergy did not go with their flocks they would lose all their influence.

1282. Do you think that is a reason for holding up the resident gentry as men to be hunted out of the country, and men who ought not to be tolerated in society, and expelled from the country?—No, certainly not.

1283. You have stated that the Roman-catholic clergy were obliged to swim with the tide upon the tithe question?—Yes, and it also coincided with their own opinion.

1284. That would seem to encourage the opinion that the resistance to the tithes

Colonel
John S. Roehart.
16 June 1834.

tithes originated with the people, and not with the priest?—No, I do not say that; I do not know who it originated with; I meant to convey the impression, if they resisted it they would lose their influence.

1285. Do you not think they stood forward as the original prompters on those occasions?—They were certainly the greatest speechifiers upon the occasion; whether the original promoters I do not say.

1286. You remember some publications in the shape of pastorals that emanated from high authority?—Yes, certainly.

1287. Is it your opinion that they preceded the resistance to tithes, or produced the resistance to tithes?—I think they had a considerable effect in organizing the resistance to tithes; but whether they took the opportunity of the general feeling which they found prevailing, or led it, is more than I can say.

1288. At any rate the publications were anterior in their date to the present disturbances, and the associations guiding those disturbances?—They were anterior to the general meetings.

1289. Considering the system of tithes in Ireland, and the large amount that is levied, have not the people some reason to complain?—If you consider it as a question of religion, it is very unfair that one religion should support the establishment of another. If you consider it a question of a lien upon the property, it is but reasonable that everybody possessing it should pay the lien that was on it at the time he got it; the landlord therefore has no right to complain that his estate is charged with tithes, because the charge was on it before he got it; nor has the tenant a right to complain, when he took the farm knowing it was subject to tithes.

1290. Was not the system of collection exceedingly grievous?—Exceedingly so; and the greatest oppressions were practised upon the lower people.

1291. And therefore, notwithstanding the Composition Act was a great improvement in relieving and getting rid of the particular grievances belonging to the collection, did not the circumstance of a large number of parishes remaining without being compounded tend to generate the present universal hostile feeling to tithes?—The feeling seemed to arise all at once to a head, and of a very rapid growth, whether under the composition or otherwise, but under the composition there was very little grievance; the parish made their own bargain, and refused to abide by it.

1292. Wherever the composition was introduced there was general satisfaction?—Entirely so, at the time.

1293. Do you believe that the agitation about tithes was got up for the purpose of turning the minds of the people of Ireland from the consideration of the question of the repeal of the Union?—I should think not.

1294. Do you know that the Catholic priests of Ireland are strongly impressed with the idea that the people are badly treated by the gentry?—Yes, in some parts they may be, but in others they cannot.

1295. From your intercourse with the Catholics in your neighbourhood, do you think that is their opinion?—I have heard them complaining of individual gentlemen, who may have treated the people harshly; but I do not think it is the general feeling.

1296. Have instances ever been stated to you, by the Catholic clergy or bishops, of the severity with which some of the resident gentry treated their dependents?—I cannot state that at present.

1297. Is that the impression on your mind?—I have heard them complain generally; but to what extent the casual conversation may have arisen I cannot say.

1298. Do you conceive that those complaints were well founded or ill founded, in any instances you can call to mind?—I cannot recollect.

1299. You stated a particular case in which the Government had not given that support to the magistrates that they had a right to expect?—I said, not so promptly.

1300. What was it?—They applied for troops, and an augmentation of the police, while the crime was going on increasing, and the magistrates were desirous to have a relief as soon as possible, and the Government waited till they had ascertained that the application ought to be granted; they might have had to consult others, and it was necessary to make references; so that without any blame on their part, there may have been a delay.

1301. Suppose, by any means, order and law was thoroughly established in Ireland,

Captain
John S. Rochfort.

16 June 1832.

Ireland, so that the powers of the country with respect to improvement might be fairly brought out, do you consider that the increased employment in consequence would go to the extent of occupying the present population?—I think if the country was restored to perfect quiet, so that confidence should arise between the people, there would be in the eastern and northern part of the country a very reasonable share of occupation for all the people: when I see such industry exhibited under the disadvantageous circumstance under which we stand at present, it is only a reasonable supposition to suppose, if confidence was restored, there would be increased industry and a greater outlay of capital.

1302. The present productions of Ireland are merely raised through the natural powers of the soil and the force of human labour?—Yes.

1303. So that everything that can be done in the way of capital and expenditure of money in improvement, still remains to be done?—At present the farmers have invested what money they have made in savings banks, and in the funds, being afraid to lay it out till the country is more settled.

1304. Are you of opinion, in consequence of the unsettled state of the country, there is a quantity of capital unemployed that would be laid out under other circumstances?—Yes, I am.

1305. That, in point of fact, the capital of Ireland is sufficient to produce vast improvements without the aid of English capital going over?—Yes, I think so.

1306. Is there any remedy you would suggest to restore confidence, in addition to what you have stated?—If I was to turn it in my mind perhaps I could suggest something, but nothing occurs to me now.

1307. Must not the carrying of the Catholic Relief Bill, the settlement of the tithe question, and this measure of making the election of members more free, all contribute to improve the spirit of the people and attach them more to the law than they have hitherto been?—I think they will tend to that; but as to the Reform Bill, until we know what it is, we cannot say how it will operate.

1308. May not the present state of Ireland, under the circumstances of it, be rather accounted for by the influence of temporary occurrences than by any that can be called permanent grievances?—The subjects upon which they have been agitated have been so great, the Relief Bill and the question of tithes, that we cannot call them temporary.

1309. If those matters are removed which have been the cause of agitation, though the excitement may last some time, does not it stand to reason that the agitation would cease so far as connected with those particular subjects?—Yes.

1310. Can you say what proportion of the Queen's County is in the possession of those proprietors who never visit the country?—There is a considerable proportion of it.

1311. Have the goodness to mention their names?—The Duke of Buckingham and the Marquis of Lansdowne, and a vast number whose names I do not recollect; there is not a single resident gentleman except Mr. Stapleton in the whole of the colliery district.

1312. What is the extent of that district?—Fifteen miles long by 10 or 11 miles wide; it is a large table-land, standing at an elevation of 700 or 800 feet.

1313. It is a district of country that till within these eight or ten years was wild pasture?—Yes; and applied to dairy purposes.

1314. Is it very populous?—Yes, almost every road is a street.

1315. Are the people in a state of indigence?—There must be some poor.

1316. Is there a great deal of employment in the collieries for the people?—Yes.

1317. And they have the market of Carlow?—Yes.

1318. And good roads?—Yes.

1319. Could you inform the Committee whether one-fourth of the county is in the possession of absentees?—I cannot tell exactly; there are gentlemen attending the Committee who can give that information.

1320. You have said that the persons concerned in these illegal practices act under the obligation of an oath?—I believe they do.

1321. Have you heard it described?—Yes, but I do not recollect the particulars; it is denouncing very severe punishments upon those who do not join.

1322. Does it bind them to the strongest hostility to the Established Church?—Not what I heard of it.

1323. You are aware that that oath was given in evidence at the last assizes?—I was

—I was not in court at the time, and I did not read it; if it was, I suppose it was correctly given.

1324. The object was to ascertain whether the Whitefeet are under the impression that they are bound to drive the Protestants out of the country?—I cannot say that.

1325. Are you of opinion that the magistrates in the Queen's County did all that lay in their power?—Yes, I think they did.

1326. They appointed a central committee?—Yes, they did at the first meeting I attended; there were 37 magistrates present, who entered into subscriptions amounting to 600*l.*, and we appointed a central committee to sit in the town of Maryborough, to whom reference was to be made of everything that was necessary, and we resolved to apply to Government to form an armed association, composed of all classes, without any religious distinction, and Mr. Stanley very readily came into our views, and agreed to give the arms; that association, however, did not take place; I did not live near the place, and did not attend the committee, but a gentleman who did will be able to give you the details why it did not take effect.

1327. Was not the answer of the Government submitted to the magistrates generally?—Yes; Sir Henry Parnell, Sir Edward Welsh, Mr. Stapleton and myself, waited upon Mr. Stanley.

1328. Are you aware whether any application was made to those absentee landed proprietors to join and aid in this armed association, and what their answers were?—I believe there was, but I am not certain. I live at the extremity of the county, 20 miles from Maryborough, and unless I have business to attend to, I do not go there.

1329. Are you able to say, that individually the magistrates in your neighbourhood made those exertions which in the state of the case they were required in duty to do?—I do not think any magistrates could do more.

1330. Was the subscription paid?—I believe it was.

1331. What was the object of the subscription?—To procure evidence, and to reward the constables who did their duty; I can give an instance of it. The Queen's County patrol were out; they heard a shot fired on the other side of the stream that divides the Queen's County from Kilkenny; they went across the stream, and took the whole party into custody.

1332. Do you not think it a very dangerous system for the country gentlemen to give rewards to the peace officers to do their duty?—I think not; it had a good effect.

1333. May it not induce others not to do their duty without reward?—They knew nothing of it till afterwards; they did not know they were to be rewarded; it was given to those who should take a party *flagrante delicto*: the object was to encourage the zeal of the police to catch those people in the commission of crime if they could.

1334. So that it is merely a bounty upon activity and energetic conduct?—Yes, for increased exertions.

1335. With regard to making use of money to acquire the means of stopping crime, is not the difficulty of getting information very great?—Exceedingly great, because any person that is known to give information is sure to lose his life.

1336. Under this system of secrecy, does not crime go on to a great extent, without any possibility of checking it?—Yes, until it arrives at such a head as to alarm the whole county.

1337. Is it not constantly the case that the police have reports of hundreds of crimes, without being able to detect a single individual guilty?—In the month before the special commission there were 300 crimes reported, and only 20 convictions.

1338. Then, under such circumstances, is it not almost indispensably necessary, to give effect to the laws and preserve the authority of Government, that this system should be counteracted by the use of money to get information?—I have been informed by many magistrates, police magistrates and others, employed in Tipperary, Cork and Clare, that without money they could do no good.

1339. Though it is indispensable that money should be applied to those purposes, do you not think it much more desirable that money disposed of in that way should be public money, and disposed of by Government and not subscribed and disposed of by individual gentlemen?—Yes, certainly I do; I think it the duty of the Government to do it; but in this instance I would add, by way of

Colonel
John S. Rochfort.
16 June 1832.

Colonel
John S. Ricketts.

16 June 1832.

explanation, that the distribution of this money was given to the government chief magistrate, and not reserved to the magistrates themselves. It was given to Colonel O'Donoghue to distribute among the police.

1340. Are you of opinion that if, in place of the Government leaving it to the gentlemen of the county to subscribe money to give to the police officers, it had applied a few thousand pounds for the sake of assisting in enforcing the law, that it would have tended much to check the disturbances?—I think 5,000*l.* so appropriated would have saved 50,000*l.*

1341. If it had been done when you waited upon Mr. Stanley, would not a compliance with the suggestion you made, have made a great difference in the state of the country?—Yes, certainly; I stated that all we applied for would be of no use without money, and he said that was what they had not to command.

1342. Is it not the fact, that the class of well-disposed farmers are perfectly cognizant of the nightly proceedings of the disaffected persons in the part of Ireland where you live, and are afraid to give any information?—Yes.

1343. But they could do it if they pleased?—Yes; I am not sure that the evidence they could give would lead to a conviction before a jury, but it would be sufficient to direct our searches.

1344. But the system of terror is now such, that they would be afraid to come forward and tell what they saw?—Yes, certainly; and that is very reasonable, as their property, and their own lives and that of their families, are in the power of any ruffian.

1345. Then a man worth 100*l.* or 200*l.* a year, is it not natural he would conceal any offences he saw, rather than come forward as a prosecutor?—Certainly.

1346. Do you conceive that that is actually the case?—Yes, and that he would bear actual injury rather than complain of it.

1347. Do you believe that the persons known in the Queen's County under the name of Whitefeet are either the same individuals, or connected with those who attend the sales of tithe cattle, and prevent those sales?—Some of them may be the same men, they live in the neighbourhood; but I was not at the sale, and know nothing about them except from report.

1348. Do you think that the farmers who are opposed to the system of tithe look favourably on the system of Whitefeet?—At first they might, but I do not think they now do, because they turn against themselves.

1349. Are you aware of any Catholic clergy having used any improper language to the people?—I have no information of these things, except from the newspaper.

1350. You presided at a Bible Society meeting, did you not?—Yes, I did.

1351. Was it very well conducted?—Very well conducted for some hours; afterwards it became disorderly.

Lieutenant-General Sir *Hussey Vivian*, called in; and Examined.

Lieut.-Gen.
Sir *Hussey Vivian*.

1352. YOUR official situation in Ireland gives you an opportunity of being acquainted with the system of outrage that is prevailing in Queen's County and other parts?—Yes, and being acquainted with the state of the country generally; not only in Queen's County, but generally.

1353. Have the goodness to mention to the Committee your opinion in regard to Queen's County?—I should explain, my situation gives me an opportunity of being acquainted with the country generally, because from all the military detachments in the country I receive reports every morning when anything occurs.

1354. With respect to Queen's County, what has been the state of it?—Undoubtedly latterly there has been a good deal of outrage in parts of the Queen's County between Athy and Maryborough, and away beyond Maryborough towards Portlinton, and also all the line of country bordering on the county of Kilkenny, and around Castlecomer.

1355. The Whitefeet association has been established there, and attended with a great deal of outrage and crime?—There is no doubt as to the outrages, and I have understood that they are perpetrated by a party called the Whitefeet; all I know of them is from reports that are made to me; but I may state more correctly to the Committee an account not particularly of one county, but of the different districts. There is a return kept of the various outrages that take place, and I can state the amount of these since I have been in the command in Ireland.

Some

Some part of Queen's County is in the Connaught district, which is under the command of Sir Thomas Arbuthnot.

Lieut.-Gen.
Sir Henry Pakenham.
16 June 1832.

1356. How many districts are there?—There are four districts, Munster, Leinster, Ulster and Connaught. In the Connaught district I see, in the month of May, that the number of crimes were rather less than they had been in the month of April, and I should not say there has been any very great increase of crime generally in that district; there has been an increase of crime in Queen's County, but not in the district generally.

1357. Do the crimes you allude to include insurrectionary movements?—They are classed in this way: murders, severe injuries inflicted by shots and blows from sticks and stones and otherwise, number of arms robbed from houses by night, number of arms robbed from houses by day, acts of incendiarism, or houses destroyed, number of cattle maliciously killed or maimed, and houses attacked; these are the crimes reported to me; but I should observe that this return does not include of course the whole of the outrages that take place in Ireland, because it is made up only from the reports of the officers commanding detachments. I have a large number of detachments out, but of course cannot have them in all the places where outrages occur, and therefore cannot know of all. I should make a distinction between outrages and insurrectionary movements: outrages constantly arise out of party spirit (especially in the north) or private feuds; insurrectionary movements would more properly apply to those large and organized assemblages of people that attend to prevent the seizure or sale of cattle on account of tithes.

1358. But it affords a fair view of the progress or diminution of crime?—Yes.

1359. Will you be good enough to state the result in each district?—I will state from the month of July last year, when I took the command, up to the present time. The total for the whole year is this: in Munster there were seven murders reported to me; 22 persons severely injured by stones, sticks, shots and so on; six stand of arms taken from houses by night robbery, and two by day robbery; four houses destroyed by fire; one head of cattle killed; 16 houses attacked. In the Leinster district, which includes Kilkenny, Wexford, Carlow, Kildare, Queen's County, Wicklow, Meath and Louth, there were 24 murders committed; 106 persons severely injured by shots and in other ways; 35 stand of arms robbed from houses by night, 14 stand of arms robbed by day; 27 acts of incendiarism; 27 head of cattle maliciously maimed or killed; and 116 houses attacked. In the Ulster district there were two persons murdered; four persons severely hurt by shots or otherwise; three stand of arms taken from houses by night; two acts of incendiarism, and three head of cattle destroyed; and no houses attacked. In the Connaught district there were 26 persons murdered; 200 persons injured by shots or blows from stones or otherwise; 66 stand of arms taken by night, 19 by day; 35 acts of incendiarism; 65 head of cattle maimed or killed; and 206 houses attacked.

1360. On the whole should you say that crime was increasing or decreasing in Ireland?—I should say, excepting just about the collieries in Kilkenny and the parts lately disturbed in Queen's County, that crime has not increased.

1361. On the whole do you conceive that Ireland is less disturbed than when you first went over?—Looking at this return, I should say, certainly somewhat less. When I first went over Clare was much disturbed, that is now quiet.

1362. You have specified the total amount of crimes; does that include all the crimes committed in those districts, or only those in which the military were employed?—I distinctly stated they were the crimes reported to me by the military reports alone.

1363. Then there may be a considerable degree of crime without it being known to you?—Certainly, but it is not probable, from the number of detachments we have out. With respect to the number of instances in which the troops have been called on to assist the civil power, I find in the month of July the troops were called out 65 times in the different districts; in the month of August 46 times, in the month of September 43 times, in the month of October 38 times, in the month of November 45 times, in the month of December 35 times, in the month of January 77 times, in the month of February 91 times, in the month of March 74 times, in the month of April 49 times, and in the month of May 114 times; but I can explain in one minute the cause of their being called on 114 times. In the month of May we made a general search for arms, by direction of

*Lieut.-Gen.
Sir Henry Vinicombe*

16 June 1832.

the Lord Lieutenant, and the consequence was that that occupied 40 or 50 parties, and together with the tithe meetings occasioned the increase.

1364. Where was that search made?—Throughout Carlow, Kildare, and Queen's County, or parts of them; part of Kilkenny, and just the corner of King's County we took in, and two or three villages in Tipperary.

1365. Was that search made by a large force?—Generally speaking there was a company of infantry and a subaltern's party of cavalry in each party. I sent as many troops as I could well spare.

1366. That had the effect of showing the country the power the State could command?—Yes; the object was to show the country the power we had to send troops in among them, and to ascertain whether the people were armed or not.

1367. Did you obtain many arms?—About 137 stand of arms, I think.

1368. Do you think that the measure has produced good effect as to its influence?—I have no doubt of it.

1369. What was the character of the arms you obtained?—Common fowling-pieces, blunderbusses and pistols.

1370. Do you conceive it served to check the spirit of insurrection?—Yes; it showed that there was a determination on the part of the Government to put down anything of the kind, and marching the troops through the country had a good effect. I sent down part of the Dublin garrison, and I drew as many troops as I could from other quarters to bear upon each point.

1371. How many might that be?—The number in this part of the district was from 4,000 to 5,000.

1372. Were the arms so decidedly of the character of those plundered from private houses, as to satisfy you there was no general plan to provide themselves with arms?—My firm conviction is that the people of Ireland are not armed to any extent whatever; and I state it for these reasons: here is the number of arms reported to have been taken from different houses during the last 12 months, and that number is very small indeed; I think, altogether, 145 stand of arms; and in different searches we have taken nearly 200, which leaves a balance in our favour, and we know to a certainty that the arms taken by those men who rob them, although at the time in the best order, when retaken have been found totally useless, and in many instances such has been the state of fowling pieces within two or three months even; in order to conceal them they hide them in bogs and ditches, and in the thatch of houses. In the search there were two weapons they called pikes taken, but I am certain there have been none made, nor any attempt to arm the population; nor is it possible the people should be armed to any extent in a country where arms are only allowed to be imported by licence, and in every village of which almost there is a police party, if the officers of customs and the police do their duty. I believe these people (the nightly robbers) have been anxious to get arms for themselves to go about on their marauding system, but on that account only. I do not believe that any general system of arming an organized body of the people has been thought of; although that a system of organization in every other respect exists to the greatest possible extent, I have no doubt whatever.

1373. Was it reported to you that when those troops were drawn together there were such manifestations of an organized system as could not be doubted?—I have not the least doubt of it.

1374. Did you observe any fires on the hills there as far as the eye could reach, about Cashel?—I was not there, but no report to this effect was made to me.

1375. Was the population so excited by the appearance of the troops that it took everybody from their ordinary occupations, so as to show that they apprehended some extremely violent measures?—No; when we made the search for arms, from the reports I heard nothing could be more orderly or more quietly conducted than the people were. In some instances they thought the soldiers were coming to exact tithes, and some men came with their hands in their pockets, and said, "We have got the money;" whilst others drove the cattle away; but when they found the troops came only to search for arms, the people in many places went about their work, and took no notice of the troops.

1376. Did the people leave their ordinary occupations and assemble upon the appearance of those fires?—I received no report that any attempt to collect the people by signal was made. I had a report that when a sale of cattle took place in the neighbourhood of Carlow, there was an organized body came, and that they were formed into many columns, as steady as possible, and at the head of them

them there were mounted men and two priests, and the same took place elsewhere.

1377. Did you hear that there was a line of fires from the town of Little Town extending into the county of Kilkenny, on the evening that the troop of carbineers marched into Urlingford?—I did not hear of it.

1378. Did you understand that the cattle of the small farmers had been driven out of the district, under the impression that they were going to levy for tithes?—I have no recollection of that circumstance as to that district; but in many of the reports it was stated, that fancying they were come for the tithes, the cattle were driven away.

1379. Will you be so good as to express to the Committee the general impression on your own mind, from the reports received, as to the organization of the peasantry?—The general impression on my mind is, that there is a thorough understanding throughout the country; a complete system of organization; but I believe it applies entirely to the extinction of tithes. I do not mean to say that it may not be extended to any other question, but it has arisen out of that of tithes.

1380. That is the result of the evidence that has appeared to you during this period?—Yes, and it has gone on increasing: formerly large parties assembled in a disorganized state, but latterly they have assembled in an organized state. I will mention the report of a very active officer, Major Ryan of the 50th; he gives an account of the people assembling in the neighbourhood of Carlow, upon the sale of cattle seized by Mr. Whitty: when there was a seizure of that cattle there were 12,000 men, one column about 1,500, and the others divided into 11 other columns; at the head of each column were some mounted people, and some priests in the field, and nothing could be more quiet than the conduct of those people; they stood formed on a hill above the field, and when the cattle came to be driven into Carlow those people followed the troops. Major Ryan sent word to say they were not to come within a certain distance of the troops; and a message was returned to say they would keep at any distance he chose. Major Ryan is a military magistrate for the county: when he came within two miles of Carlow he halted his troops, and he sent back to desire the people not to approach any nearer; they sent word back that they would not only not approach nearer, but they would retire as many hundred yards as he wished: he then sent in to the mayor, to know if he should admit those people; the mayor said, as they were not armed he saw no objection to it. The troops went in, and the people followed, and a message was afterwards sent out which was said to come from Dr. Doyle, by which they were desired to return to their homes, which they did, and the next day and the day after they again assembled at Carlow in very large numbers, the cattle seized being there for sale.

1381. Do you imagine that this organization which has been called into existence by the question of tithes, will be likely to dissolve by the settlement of that question, or that there is a great danger of it being applied to other uses?—With respect to the settlement of that question, I do not see how it is to be settled at all. I have not the least doubt, that if you could settle that question satisfactorily to all the people of Ireland, this organization would for the present be dissolved; but having been once established, it might be applied to any other question.

1382. Do you think that highly probable?—Yes, I think it very likely. Archimedes said, if you would give him a fulcrum, he would lift the world; so I think there must be some great national question to excite a whole people. It is not agitation that can alone rouse a nation to insurrection; there must be some means of excitement applicable to the majority of the people; such is the tithe question. If one half of the pains had been taken to allay, that have been taken to excite, Ireland would be in a different state; but no pains have ever been taken to set the matter in its true light. The lower classes have never been taught (which is the fact) that they will, if tithes are done away, pay more for their land than they now do, including tithes; that in fact, although tithes are estimated at one-tenth, and they pay accordingly for their land, the church in general get much less than one-tenth, seldom more than one-twentieth. We all know that when a man purchases or rents land, he purchases or rents that land subject to tithes; but this has never been explained to the lower classes, and the circumstance of their having to pay to the clergy of a religion different from that which they profess, no doubt excites them excessively, and therefore is it that this is a question that

Lieut.-Gen.
Sir Henry Pakenham
16 June 1832.

Lieut.-Gen.
Sir Henry Phipps.
16 June 1832.

I can understand might and does rouse the whole people. Another such question was the emancipation; and in this country, the question of reform. My notion is, that there must be some great question, in which the whole of the people are interested, as the whole of the people of Ireland consider themselves interested in the tithes: and supposing you can satisfactorily settle that question, which I much fear you cannot, then some other question equally exciting to the people must arise before insurrection is to be apprehended.

1383. From the information you have received, do you conceive that the organization against tithes is a resistance that has sprung up among the peasantry, acting upon the result of their own feelings on the injustice of it, or a resistance that is promoted by agitators?—It is hardly possible to say: I think it was in the first instance a question that arose out of the writings and principles set forth by agitators; but it has got such a hold among the people of Ireland, I do not see the way out of it; like other great questions, it has been taken up too late. Since I have been in Ireland I have been all over the country; I have been in almost every military station; and I took a great deal of pains to endeavour to ascertain the feelings of the people of Ireland, and to see what it is that excites them, and whether they have any grievances to complain of. I have been in 500 different cottages, and I have seen and heard a great deal of the cottagers and farmers, and ascertained their opinions. One day when out hunting, I said to a farmer, "I wish I had a large landed estate here, I would soon settle this question of the tithes, as far as my property was concerned;" he said, "How would you do it?" I said, "You should never hear the words tithes or church-cess," (which by the way is a greater grievance with the people than the tithes) "I would say, there is my land, will you give me 150*l.* a year for that farm, and I will settle all the claims of the church;" he said, "Do you suppose that that would settle it; do you suppose that if I paid you 35*s.* an acre, that I should not know that 5*s.* an acre went to a parson professing a religion that I do not profess: do you think I should not know, that if you did not pay the parson, I should have it for 30*s.* instead of 35*s.* an acre?"

1384. Is it your opinion that if the present payment of tithe was put in the shape of a rent-charge, that the objection to it would be just as decisive?—I have stated what passed between me and that individual, and I am sure that is a feeling which is very general.

1385. Did you endeavour to carry that conversation any further?—I endeavoured to persuade him he only paid the value of the land, and that in reality the tithe-payer does not pay near so much as he would pay to the landlord; but you cannot persuade the lower class of people of that; if they knew their own interests they would know they paid less than if the land was tithe free.

1386. Do you think some of this feeling may arise from their knowledge that there is no payment made to support the ministers of their own religion?—The ministers of their own church take good care to instil that into them.

1387. Do you not think that the natural conclusion for men of that kind to come to is, that it is a hardship that they should pay the ministers of a religion different from their own, when there is no legal provision for the ministers of their own communion?—Yes; and undoubtedly it does appear a hardship.

1388. Do you think if they had to pay tithes to the Catholic priest instead of the Protestant clergyman, that tithes would be more popular?—I do not think that they would, such is the objection to the very name of tithes; but the others would not then make a handle of it.

1389. Supposing the landlord was to pay the tithe, and mention nothing of it to the tenant, but to let him have the land at the common ran of the country, how would that individual be aware that a portion went to the parson?—I give you the answer that the farmer gave me, "Do you not think I should know that you would pay a certain portion to the parson?" and the fact is, that the objection of the Catholics to pay in any shape whatever towards the maintenance of the Protestant church, is one that I am of opinion never can be overcome.

1390. You have stated that upon your tours in Ireland you endeavoured to ascertain by communication with the people what they considered to be their grievances; besides tithes, can you mention anything else?—I think that as far as I have been able to ascertain from the lower classes, in many parts of Ireland, particularly Galway, there is a general complaint of the low rate of wages.

1391. Did you ascertain what those wages were?—Yes; in some places 4*d.* or 4½*d.*, in some places 6*d.*, in others 8*d.*, and in none more than 10*d.*

1392. Was

*Lieut.-Gen.
Sir Henry Parnis.*
16 June 1832.

1392. Was that through the year?—Yes, I believe so; but there were very few men that told me they got so low as 4 d., but many as low as 6 d.

1393. Did you ascertain whether these wages were paid in money or in any other mode?—In many instances I found that the con-acre for the potatoes was let upon the condition that a certain portion of their rent should be taken out in labour.

1394. Was there any distinction in the mode of paying wages between the gentlemen, or farmers, or middlemen?—I did not hear of any distinction made.

1395. Did it appear to you that the system of paying wages was one by which the whole was a matter of account, and by which the labourer in point of fact received no money in the course of the year?—In many parts certainly, but not in all; in Kildare, for instance, they receive their wages in money, but in other parts there is an account kept.

1396. In cases where the wages were as low as 4 d., did you ascertain whether the farmers fed their men?—Yes; I inquired and found that they did not.

1397. Have you learned whether during any part of the year, in those places where the wages were so low, the peasantry had not been employed generally?—They told me there were many that had not employment.

1398. In your experience in Ireland have you observed it has been a general cause of distress the want of employment, or is it particularly in that part of the country?—About Galway I found there were many people unemployed, and in other parts also.

1399. Does it occur to you that if tithes were out of the question, and no cause of complaint of that kind existed as to low wages of labour, that the absence of continued employment might excite disturbance and discontent from time to time?—I think it very likely indeed, because tithes cannot have any effect upon the wages of labour. I can point out two large estates in Hampshire, one of which is tithe-free, and the other not, and there is no difference between them in the price of labour, nor is it possible there should be, for the farmer who rents the tithe-free estate pays a higher rent in proportion.

1400. But exclusive of that, you think the other would be a ground of complaint?—Yes.

1401. Then, in order to effect the permanent improvement of the country, are you not of opinion there should be some provision to provide employment for the poor?—I should think it would be very beneficial, if such a measure could be devised.

1402. Do you think there might not be general employment in the western parts of Ireland, and a great increase in the value of those estates, by the employment of capital?—I did not look at the nature of that part of the country enough to give a decided answer to that question; but I never saw a country that could be more improved than many parts of Ireland. One gentleman was mentioning to me an estate beyond Kilkullen; when first he rented it there were five persons then employed upon it; he now employs 30 persons, and the estate pays better than at first.

1403. Has it not occurred to you that the want of employment, in a great measure, arises from the want of capital among the persons who occupy the land?—I do not know what to say to that; I think confidence is wanted more than capital. In talking to a gentleman who knew Ireland very well, I was surprised to hear him give it as his opinion that there was a very large capital in Ireland, even possessed by the lower classes; and he said, "You may depend upon it, although they are in many parts much distressed, if we could measure the value of the property of the lower classes in Ireland, against the property of an equal number in England, you would find that the lower classes in Ireland beat them;" and he explained it in this way: in Ireland a great proportion of the lower classes have an acre or half an acre of potato ground; you will go to no cottage where you will not find a pig, often a cow and some poultry, and you will not find those things in England; and he ended by saying, that in the possession of the lower classes in Ireland there were at least 30 millions of property.

1404. Have you any doubt there is a great quantity of capital abstracted from Ireland in absentee rents?—No doubt of it.

1405. Do you not think that a portion of that capital so abstracted, if it were expended in Ireland, would tend to improve the country and employ the people?—That is a question of political economy, and you must not press me to answer it, for I should detain you too long were I to attempt to go into it. I must however

*Lieut.-Gen.
Sir Dancy Frides.*

16 June 1832.

ever observe, that it is not always the part of the country in which I found most resident gentry that I found most tranquil; to speak generally, however, there can be no doubt that a resident gentry is a great advantage to a country.

1406. Do you believe the observation you have made as to capital is applicable to those who labour for 4 *d.* a day or 6 *d.* a day?—I do not know that it is not; in some instances no doubt it is.

1407. Is there any mode in which they could acquire property upon that amount of wages?—With respect to 4 *d.*, I met with some who received no more, and had no potato ground; but with respect to the persons who told me they earned 6 *d.* a day, I found them in cottages with a certain quantity of potato ground about them and poultry.

1408. You mean ground that they had not taken as con-acre?—It was ground that they rented with their cottage.

1409. In that part of the country where labour is paid in money, did you find the people more peaceable and prosperous?—Yes, unquestionably; until this time question arose, in the neighbourhood of Dublin, the labourers were perfectly contented.

1410. Did the people complain to you of the rate of wages?—Yes, in some parts.

1411. And the mode of payment?—Yes, in some instances.

1412. Do you not believe that the mode of payment is more vexatious than the very low rate of wages?—I have no doubt of it; and that it is made a means of oppression.

1413. It places the labourer always under the control and at the mercy of his employer?—No doubt of it.

1414. From your knowledge of the people of Ireland, and their numbers and their means of employment, do you conceive that such a state of things as the present practice of employing and paying for labour could be altered?—Upon my word I hardly know how to answer that; I think there are a monstrous number of things to alter to render the people what I should like to see them.

1415. In stating that there was a quantity of latent capital in Ireland, have you been supported in that impression by the view of the savings banks in that country?—I have never inquired into that; but if the capital is in kind, such as pigs or poultry, it cannot be in the savings banks.

1416. Did you ever hear it stated that individuals, vesting their capital in stock, something that was increasing *per se*, such as pigs, young cattle, and that sort of thing, was a reason that the saving bank was neither so necessary or so well filled in Ireland as in this country?—I think it very possible, but I never heard it.

1417. Upon what did you find those people existed that had some cattle and poultry; did you not find them existing upon potatoes?—Yes.

1418. And making up their rent with this stock?—Yes; but there is a general notion goes about that the people of Ireland are starving; when the potato crop fails they must be in great difficulties, but generally speaking the circumstance of those people keeping pigs and poultry from the offal of their potatoes, shows that they cannot be in want of a belly-full; whether the potato is the best food or not is another question; but I believe if you were to put down before them the same food that an English peasant has, and their bowl of potatoes, that they would prefer the bowl of potatoes to the bread and cheese.

1419. In speaking of thirty millions of capital, supposing out of a population of 8,000,000 in Ireland, 2,000,000 were labourers, would not this capital be at the rate of 15 *l.* a head?—Yes.

1420. Therefore it is not so extraordinary as at first it might appear?—No; it struck me as extraordinary, but when I came to look into it I was satisfied my friend was right.

1421. You have stated that the persons who only earn 4 *d.* or 6 *d.* a day do not really feel all the misery that they appear to do, for that they have small portions of ground and their pig and poultry. Supposing a case to happen, that those people who have small portions of ground should be dispossessed of those small portions of ground, what do you conceive would be the state of those persons?—Unless some employment was found, their state would be very distressed. In one instance I went into a cottage, where I found a poor woman with a child, and in a corner what I thought a heap of rags, but which proved to be her old mother; there was nothing in the cottage but the stool the woman with the

Lieut.-Gen.
 Sir Henry Phipps.
 16 June 1832.

the child sat upon; they slept on the bare floor, without covering of any sort. I asked the woman with the child where her husband was; she said he had gone out to fish, that he could get no employment, and that the whole they had to subsist upon was what potatoes they could grow upon a small plot of ground about the house, and any trout that the poor man might catch. Unhappily there are no poor-rates, and I do not see how these persons are to avoid starvation if they lost this plot of ground.

1422. Was he in the way of getting any employment?—No, not at all; the woman informed me none was to be had where they were.

1423. If that ground was taken from him he would be reduced to a state of starvation?—Yes: this was while I was passing from Sligo; I think it was somewhere between Colcooney and Hoyle, but I met several instances of persons out of employ living almost entirely on the charity of their neighbours, these neighbours having themselves but little to give. Some provision for the poor, in such cases, is absolutely necessary.

1424. There has been a very extended emigration from Ireland this year; has that been from any of the disturbed counties?—I understand many have emigrated from Clare and from the north.

1425. Did any proceed from Leinster, Meath and Kilkenny?—Not that I have heard of.

1426. In going through Ireland, did it appear to you that the misery of the lower orders was as great as you had heard it described before you went?—In many places, unquestionably so; in other places, I found every thing looking very prosperous, and the people contented. There was an extraordinary instance of this I met with in passing from Ballyshannon to Sligo; I passed through a property, a part of which belonged to Lord Palmerston. It happened to be a Sunday, and I saw the whole of the population going to church and chapel, and I never saw a better dressed or more respectable population; they were exactly like persons going to church in England; and in the very next parish I saw the greatest possible apparent misery. I had the curiosity to stop my carriage and go into some of the cottages to ascertain the cause of this, and I found, in that part I had gone through before, there were works which had been carried on, whereas in the other the people were unemployed, and their misery was very great.

1427. You have stated that the population almost exclusively depend upon the potato crop?—Yes.

1428. In case it should fail in consequence of a wet season, must not all that population be left in a state approaching to starvation?—Yes, I have just said so.

1429. Has the difficulty of apprehending offenders, from the nature of the country, alluding particularly to the mountainous parts, been reported to you by your officers?—Yes. Detachments have been sent very often to apprehend offenders without success, and I may state we have had many searches for one individual who was supposed to be at the head of the Knocktopher business, and we have not succeeded in taking him. When the police call for the military they accompany them; but there have been great difficulties certainly in apprehending offenders; perhaps a little more so in a mountainous country than elsewhere.

1430. Has it been reported to you that the troops going out in mountainous districts have seen the people in large assemblages on the hills, and that they have been unable to apprehend any one of them?—I do not recollect any particular report to that effect, but I have no doubt that the troops have seen large numbers of people assembled on different hills.

1431. Persons who have escaped?—I do not know whether they have seen the persons whom they sought, but they have not been able to apprehend offenders.

1432. Do the officers of detachments, in the reports they make to you on the state of the districts, give opinions on the causes of the disturbances?—Yes, they always enter into a detail as to the cause of the disturbance, whether it arises from any outrages at a fair, or the tithe question, or anything else.

1433. In those reports have they mentioned the difficulties of communication in those remote parts of Ireland, and that the men had lost, in going through the mountainous districts, their accoutrements and caps?—No, I do not recollect anything of the sort, but it is very possible a man in scrambling by night through mountains may lose some of his appointments.

1434. Are

Lieut.-Gen.
Sir Henry Pakenham
16 June 1832.

1434. Are you aware that private committees along the Shannon, and different parts of Ireland, sit and deliberate upon local grievances, and matters of that sort?—No, I am not aware of that; I know it is a very disturbed part, and there is great difficulty there I know in apprehending offenders, because they can get into the turf-boats and get over the river; and I know offences are committed generally by persons on one side of the river, and escaping to the other.

1435. Do you know that potatoes are sometimes 1 *d.* a stone, and sometimes as high as 6 *d.*?—I have heard of their being as high as 4 *d.*, and they may have been higher.

1436. Do the wages increase in proportion as the price of potatoes rises?—I have not heard of that, but I suppose it must occur.

1437. Have you often heard that in the remote counties in Ireland there is a great difficulty in executing the law, from the want of communication through the country?—Yes, there is a want of communication in some parts, but in general the communications throughout Ireland are excellent.

1438. Are you also aware that the improvement of the people, and the improvement of the revenue, both keep pace with the improvement of the country?—Yes, unquestionably; the more money there is in a country the more it must improve it; and I have no difficulty in saying, that in spite of the disturbances in Ireland, the country is improving.

1439. Do you not conceive that the outlay of capital by the Government in those remote counties, would tend to the preservation of the country, and the peace of the country, without a loss to the Government?—I have not the least question in the world, that if the Government chose to go and spend a large sum of money, and almost throw it away, that the people would flourish while the money was expending; but I doubt the policy of it. I think no money should be expended unless it can be expended with advantage.

1440. Are you aware that the greatest turbulence exists in one of the highest cultivated counties in Ireland?—Yes; it arose in consequence of the tithes.

1441. What is your opinion of the conduct of the police?—My opinion of the conduct of the police, formed after the inquiries I have made, is, that it has been generally excessively good; and I believe the police has been most efficient, for nothing can be better than the manner in which they have conducted themselves where the troops have had to do with them.

1442. Can you state the feeling with which they are regarded by the people?—With a very great degree of animosity in most parts of the country.

1443. Does that animosity extend to the regular troops?—No; on the contrary.

1444. To what do you attribute that?—We act in support of the civil authority; they are the civil authority; theirs is a sort of system of espionage, and they have many duties to perform which occasion their being disliked by the people.

1445. Can you suggest any improvement in the constabulary establishment in Ireland?—I think that is not within my province; the police force seems to me a very good one; they generally conduct themselves admirably well.

1446. Have you found in your joint service that that is their character?—Yes.

1447. What is your opinion of their efficiency for their duty, in comparison with the regular soldiers?—I think they are very efficient; they are more able to discharge particular duties, from their knowledge of the country, than the soldiers; it is their duty, being upon the spot, to look into the conduct and proceedings of the people about them, and get every information as to the state of the districts.

1448. Therefore in the first instance, upon the breaking out of a disturbance, it is better to increase the police than to resort to the use of troops?—It is very desirable to have the police in almost every village; the troops are only to aid and assist the civil power; but although for this purpose we are dispersed at this moment into 145 different stations, if anything was to arise in the country, the first thing would be to concentrate those troops upon particular points; it is very well to have 20 or 30 troops to assist the police under existing circumstances, but in case of any general disturbance, I should concentrate the troops; therefore a large police force is necessary.

1449. From the general character of the disturbances in Ireland, is it necessary to have this great military force and these military stations?—I consider it is; but I must say I am frequently called upon to detach troops I think unnecessarily. The Government receive letters of great alarm from the magistrates, and consequently

Lieut.-Gen.
Sir Henry Farnham.
16 June 1838.

quently I am directed to send troops into villages where it would be better not to send them, and where they ought not to be sent: it would be preferable that the magistrates should be left a little more to their own resources, instead of having every instant to fall back on the military.

1450. Are there any symptoms of improvement in the Queen's County within these few days?—Yes, fewer outrages have been reported; and speaking generally, I may state that I was in Ireland 20 years ago, and the country is no doubt improving; and I believe if it was not for this tithe question there would be at present very little cause for excitement; they have had a remarkably good potato crop, and I do not see that the lower classes have anything just now particularly to complain of.

1451. Is there anything you would suggest as a local cause of disturbance?—I have no doubt, setting aside the tithe question, the country is more quiet than it has been for some time. I was the other day at Castle Pollard, where much excitement had existed, and the whole of that neighbourhood is more quiet than it was, and the whole of Queen's County is unquestionably quieter than it has been for some time past.

1452. Then what part is now much disturbed?—I do not know any particular part, except parts of the county of Kilkenny, from which the Committee may have seen a long account in the papers of a curious occurrence that has taken place within these few days of parties going about with lighted turf; also in Kildare, part of Carlow, and the Queen's County.

1453. What part of Kildare is disturbed?—About Allen; Westmeath also has been disturbed in some parts.

1454. Is the county of Kildare disturbed?—Not generally.

1455. Are the disturbances much less atullymore than they were?—Yes.

1456. Do you attribute the comparative tranquillity at present to the time of year, or not?—I am rather disposed to attribute something to the people being mostly employed. I understand that at this season of the year the employment they generally find does contribute to tranquillize them, and I find, by looking back to the reports, that the number of crimes have been less at this particular period; but I have no hesitation in saying that this tithe question is such a cause of excitement it is impossible to say how soon any fresh disturbances may arise.

1457. Or to what other things it may extend itself?—If anything else arises to disturb the country when you have settled this tithe question, which is a difficult thing to do, it may again be thrown into the same state of excitement.

1458. Do you consider that the hostility of the people to the police is any impediment upon the police?—Certainly not.

1459. You would say, perhaps, the measure of hostility was the measure of their utility?—Certainly, in a great degree.

1460. You have said that emigration was carried on to a great extent in the county of Clare?—I have merely heard it from the officers in the district.

1461. What description of persons were they generally?—In many instances I have understood that persons connected with crimes in Clare emigrated, and in other cases very good persons.

1462. So that the emigration extends to two classes?—Yes.

1463. Could you inform the Committee, upon those searches for arms, the class of people from whom the arms were generally taken?—The lower classes; in two or three instances they took arms from respectable persons, but they were re-delivered.

1464. Do you not conceive it would be attended with bad consequences, taking arms from respectable farmers, who would have made use of them to defend their property?—My opinion is this: the question I have been asked goes to the policy of arming of a certain body of persons to put down the outrages; I should say, in any other country on the face of the earth where the same sort of outrages took place, arm the respectable and the good to put down the bad; but in Ireland, where party spirit runs so high, arming any of the people in any part of the country only creates jealousy towards the party armed, and you endanger the peace of the country at once by so doing; besides which, I do not see how it is possible with any degree of safety to arm a certain body of the farmers in any country, particularly in the south of Ireland. We have already been obliged to take in the arms from some of the yeomanry corps, in order to secure them; and those farmers who are not now armed, supposing you were to arm them to preserve the peace of the country, what security, I would ask, have you that those

houses

Lieut.-Gen.
 Sir *Isaac Vane*.

16 June 1835.

houses will not be attacked at night, and the arms robbed, as they have in many instances already been?

1465. Suppose these houses attacked, and that the inhabitants have no means of defence, what must be their condition; because a few of these marauders, armed and going about, and attacking those houses where they know there are no arms to resist them, must place the whole of the district under their control?—We have seen the effect in other instances; you see the arms taken, and very little resistance made; you see two or three stand of arms taken out of some houses, and what ground have we to suppose this would not be the case again; why should the farmers defend themselves better with arms supplied by Government than they did with their own, of which many have been robbed?

1466. Supposing a case in which the farmers were armed, without any distinction whatever, save that which arises from the amount of interest they hold in the land, organized and placed at the disposal of the police officers or military officers acting in that district, do you not conceive that would deter those marauders entering into those districts?—If they think they can do it, why do they not attempt it: they can get arms and get them registered if they like, and form themselves into a body, and meet upon certain signals; why do they not do so?

1467. Do you think that would be effectual?—I think the reverse.

1468. Do you think there is any class of society, farmers for instance, so exempt from the spirit of party, in the agitated counties, that it would be safe to put arms in their hands?—Undoubtedly not. I think there is that party spirit, that if you put arms into the hands of one party you incur the animosity of the other; and we know of the arming the yeomanry in the north, and there is no doubt that that has led to organization, and to a certain extent arming, of the ribbonmen: there is I conceive, in consequence, more danger of collision in the north than in any part of Ireland. I have no doubt that the yeomanry could put them down if they came to blows; but still there is more danger to be apprehended from the very circumstance of both parties being to a greater extent better armed than in any other part of Ireland.

1469. That is where the arms are put into the hands of those of a particular creed?—That may have produced the effect I have stated.

1470. The question was this: supposing a case where the only distinction of individuals was the interest which was possessed in the district, measured by the amount of property possessed?—In order to do that you must re-organize the minds of the people of Ireland.

1471. Supposing, in the Queen's County, the most respectable class of farmers were armed, do you think they are so exempt from the spirit of disturbance in the county as to afford a sufficient guarantee that they would use their arms in support of the constituted authorities?—I should doubt very much whether, in case of a disturbance, they would not use them against each other. I know there is a violent party spirit that must be overcome to prevent their so doing, and this pervades all Ireland.

1472. Have you ever formed any distinct opinion how it could be overcome?—No, not a distinct opinion, but much, I have no doubt, might be done, if those who have influence with both parties would but make the attempt.

1473. You say there is a general organization over Ireland; do you believe that it is likely to terminate in any general outrage?—I think it is at this moment directed against tithes; how far or how soon it may be directed against anything else I cannot say, and if collision once takes place it is impossible to calculate on the consequences.

1474. You think it is there in an ignitable shape?—I think it is directed against tithes at present, and if you could satisfactorily arrange the tithe question you would, I should hope, have Ireland pretty quiet. I think it is in other respects as quiet as it was 20 years ago; we were then constantly called out for aggregate meetings, or something of that kind. Get rid of the great cause of excitement, and you will tranquillize Ireland in spite of agitation.

1475. Did you include in the numbers you have given, the times the troops have been called out upon revenue business?—Yes; but I do not think there are six instances. Yesterday I received a report from Wicklow, Wexford, Carlow, Waterford, Cork and Kildare, of quite a new proceeding, which has created a very great degree of alarm in the minds of the Protestants of those counties. It appears that strangers entered some of the towns on the 10th and 11th, in the middle of the night, either with pieces of lighted turf, parcels of powder, lighted sticks,

sticks, or pieces of brown paper; those they gave to the Catholics, and told them they were charms against the cholera, or that some of the neighbouring towns had been destroyed by fire from heaven, and that they would be burned if they did not give the charm, in some instances, to four other Catholics, and those to whom it was given were to do the same to others, until the whole Catholic population had received the blessed turf: this set the whole population in motion; they were running in all directions without waiting to dress, and they appeared to be inspired with indescribable zeal in serving the stipulated number; some had many miles to travel. This will be fully inquired into, but I despair of getting at the originators of the affair: my belief is, that the object was to ascertain in how short a time the Catholic population could receive a summons, for the purpose of intimidation regarding tithes. I have little doubt myself it had reference to tithes, and was an experiment in order to see how soon they could convey a communication, and how rapidly they could get large bodies together; because wherever there is a sale of tithe cattle, the manner they meet it is to assemble large bodies to intimidate the people from buying, but not to commit any outrage. Wherever anything of the kind is apprehended, and I am called on for troops, I always assemble as large a body as I can upon the spot, to prevent collision: I think it better to expend shoe-leather than to have a collision between the people and the troops, and to spill blood; and I am happy to say I have succeeded by those means since I have been in Ireland; for, excepting in one instance, where an attempt was made to rescue some prisoners, and another, in which a man was shot in an attempt to get some meal during the distress, no lives have been lost owing to the troops having been required to act, that I can recollect. In offering an opinion on the state of Ireland, there is one thing I should wish to notice, and that is the extraordinary carelessness of human life amongst the lower classes. I have endeavoured, as far as possible, to find out whence it arises that men who appear so kind in their dispositions, so grateful for any little kindness bestowed upon them, as the lower class of Irish generally are, should exhibit such little apparent reluctance to destroy their fellow creatures. I have asked the Catholic clergy; I have expressed my astonishment that they, who have such power and influence over the minds of the lower classes, do not prevent it; but neither they nor others I have spoken to on the subject pretend to account for it. It is a very striking circumstance in Ireland, that a disturbance scarcely ever arises but you hear of the loss of life; and during the whole of the disturbances in England (I mean no invidious comparison) there was but one instance in which a hand was raised against an individual: it is a matter well worthy of the consideration of those who would civilize and tranquillize Ireland, to ascertain whence arises this extraordinary difference.

1476. Have you ever heard it attributed to the practice of waking the dead, and accustoming children to look upon dead bodies?—I do not know what it arises from; but in legislating for Ireland it is a thing that must be looked at, in order to ascertain the cause of it, and to remove it if possible.

1477. Do you not think that it may be owing to the abject state in which they exist, which makes their lives of little value?—Yes, I can understand that as applying to themselves, but not as applying to the lives of other persons; it is a most remarkable thing. If you go into their houses and you are kind to them, they appear grateful beyond measure, and I believe really are so, and yet those very persons would have no sort of hesitation in taking up a stone and committing murder. The cause of this readiness to sacrifice life is one of those things that ought to be inquired into, and if possible, the feelings, by which they are influenced, eradicated from the minds of the people.

1478. Is not the use of ardent spirits one of the causes of it?—This may account for those cases where murders take place at fairs; but many are committed in perfect cold blood. I could mention many instances of this sort.

Lieut.-Gen.
Sir Henry F. F. F.
16 June 1832.

Lima, 16th die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Hovenden Stapleton, Esq. called in; and Examined.

Hovenden Stapleton,

Esq.

18 June 1835.

1479. WHERE do you reside?—Tollerton, Queen's County.

1480. You are a magistrate?—Yes, and have been 25 years.

1481. You belong to the Irish bar?—Yes.

1482. How far from Carlow do you reside?—Five miles.

1483. How far from Maryborough?—Fourteen or fifteen miles, through the colliery district.

1484. In the barony of Slienmaragua?—Yes.

1485. Be good enough to describe the kind of country that is in your neighbourhood.—The colliery district, in which I live, has very few or no resident gentlemen, nor indeed of middle-men.

1486. What is the extent of that district?—I think, according to Mr. Griffith's survey, it is 15 miles from east to west, by 10 from north to south.

1487. Is it very populous?—Extremely populous.

1488. Is it divided very much?—Yes, very much subdivided.

1489. Is the whole country divided into fields with fences?—Yes, the entire of it is divided, not with hedge-rows and plantations, but with bad fences.

1490. This country lies at an elevation of 700 or 800 feet above the river Barrow?—It does.

1491. Do the people live scattered over the entire face of it?—Yes, except in the collieries, there is what is called New Town, built by the canal company, in streets with cabins, where the working colliers reside.

1492. Over this district is there any considerable distance from house to house anywhere?—The cabins are studded over the entire district thickly; I believe the population in that district is as great, if not greater than any other part of Ireland that I know of, except cities or towns.

1493. Has it not grown up in a short period of time?—In the Queen's County part, since the commencement of the canal company's working their colliery, which was about 25 years ago.

1494. It was formerly a pasture country, without any people nearly?—There was not anything equal to the population there is at present.

1495. What has been the state of that district with regard to tranquillity?—For 25 years, until the year 1829, I think it was as tranquil and safe a country to reside in as any other part of Ireland.

1496. Notwithstanding there were no resident gentlemen?—It was a remark often made, that at the assizes of Maryborough you seldom saw a man from the colliery district in the dock.

1497. You have referred to the year 1829?—Yes, that was the commencement of the change.

1498. What change took place?—The Whitefeet system got into that district.

1499. Where did it come from?—I think from the county of Kilkenny side, and the upper part of Queen's County, and I believe it had made its way into that part of Queen's County about Dysart.

1500. How did it show itself first?—The first way it showed itself in 1829 was an attack on the premises of two gentlemen of the name of Hanlon, who had come into the country to open a colliery; they took a farm of ground under the courts that was contiguous to their colliery, which they conceived would be useful to them. There were a great number of under-tenants upon this farm who went up to bid for it against the Hanlons; but the Hanlons being anxious to get it, bid a great deal higher than the tenants could give; and in the commencement of the year at least 100 persons assembled and destroyed the premises, and burned the whins.

1501. Had these gentlemen ejected the under-tenants?—Not at that time, but of course it was supposed they would do so.

1502. It was under the expectation of their being put out?—Yes, and I believe they had spoken rather openly of their intention to do so, in consequence of the opposition of the tenants in bidding against them and raising the rent of it.

1503. In

1503. In what manner did this system extend itself, so as to be supported by any considerable number of people?—By swearing them into the Whitefoot system.

*Hon. Geo. St. John,
Esq.*

18 June 1830.

1504. Did the party who began it swear in others?—Yes, I believe so.

1505. Do you conceive it was commenced by any particular individual, or small number of individuals systematically?—I think one or two persons swear in others; it was brought in probably by strangers.

1506. Has it become common in the district?—Very much so in the last year.

1507. To what extent could you say?—I have reason to think that there have been at least to the amount of 9,000 persons in the colliery district sworn in to the system.

1508. Of what class?—Mostly of the younger class of persons; farmers' servants and sons, and working colliers, rather of the lower orders.

1509. Is there any distress to account for their taking that course?—Not at the present moment. I never knew provisions so abundant and cheap in that district.

1510. Are they employed?—They have put themselves out of employment in some measure by stopping work in the collieries, but are in general employed. The great Lordship colliery belonging to Mr. Wandesford has been stopped, and other minor collieries.

1511. Mr. Potts was the owner of that Lordship colliery?—No, he was one of the overseers brought from England.

1512. It was his murder that stopped it?—I believe so.

1513. Was it because he was a stranger that he was murdered?—Because he would not give in to the mode they chose to carry on the works; he wanted to change the system.

1514. With a view of saving expense?—Yes, of course.

1515. How do you account for this system spreading so extensively?—It is not surprising it should spread so much in the collieries, the population being very great: the colliers are constantly in the habit of combining for a rise of wages; they drink excessively, and they are a people most easily contaminated, and likely to be led into such a system.

1516. To what objects have their operations been directed?—In the first instance, the taking of arms; during 1829 it was almost entirely confined to the taking of arms; after that there was some cessation, but in the last year their object seems to have been the settlement and disposition of land and property of almost every kind.

1517. Do you consider that as their ultimate object?—Their ultimate object I conceive to be the disposition and settlement of land; to prevent any landlord taking land from a tenant, or preventing him doing what he pleases with his land.

1518. Is the system governed by committees?—I have reason to think that it is. I think there is what they call a head committee, composed of seven members, who sit and discuss all matters; then there is a sub-committee under them, who receive orders from the head committee. The body at large are sworn to commit whatever may be ordered.

1519. Or what class of persons are the head committee?—I think men rather above the lower order, who in the collieries are called contractors of pits, some of whom hold a good deal of ground and are in comfortable circumstances.

1520. That class of persons in the country, do they do nothing that interferes with the feelings of the lower orders; do they never turn out tenants?—They have been as great land-jobbers as others, and as oppressive perhaps; but being principals or heads of the Whitefoot party, they are exempted.

1521. Do you think they take that character, and place themselves in some degree in connection with the Whitefeet, in order to seek protection by it?—No, I do not think it is probable, although it is an object to secure protection. I think it is from their own nature and disposition those persons I speak of join in it. I do not speak generally of the respectable class of farmers; that the head committee is composed of such.

1522. What number of acres do those persons generally hold?—One of them holds a considerable number; I dare say about 30 or 40 acres of land; and I think his brother holds a considerable deal more.

1523. Are they the better class of farmers?—Yes; but they have been mostly concerned in the coal business, by which means they have a great deal of influence over the lower class.

1524. Do you at present reside in the county?—I have not resided there since

Harcourt Staphelin,
Esq.

18 June 1832.

since last November; I was obliged to leave it, and give up my house to the resident magistrate. It is now occupied by him and a large party of the police.

1525. You were driven away by the state of the country?—I generally come to town in the winter time, but I could not stay in the country.

1526. Was your house attacked?—No, because for two years I have had police in it.

1527. Were you served with notices?—No, except one posted at my gate, which I paid no attention to; but I received friendly hints that it was not safe for me to go about incautiously.

1528. Friendly hints?—Yes; I believe they came from people who had a good deal of influence. I was always very popular in the county, being a kind of collier myself, and making very fine with them.

1529. Had you any reason to complain of their conduct to you till 1829?—No, I lived in just as much security there as in Dublin.

1530. And on perfectly good terms?—Yes.

1531. As a magistrate you constantly attended at petty sessions, and took your full share in giving effect to the laws?—Yes, I attended as frequently as any other magistrate, and acted at my own house.

1532. And enforcing steadily the execution of the law?—Yes.

1533. Were there any particular occasions on which you were obliged to be active?—One particularly, the murder of Mr. Gregory, that took place near my house.

1534. Was it subsequent to that you got the notice?—Subsequent.

1535. Long subsequent, or about the time?—It was since that period.

1536. State the circumstances of Mr. Gregory's death.—I was sent for after this gentleman was shot in the evening, about nine o'clock. A policeman came to my house to tell me Mr. Gregory had been shot upon the colliery, about a mile and a half from my house. I immediately went to the place, where I met the unfortunate gentleman. I took his dying declaration; had the man, the only person whom he knew, apprehended, who was brought down to my house the next morning, and I committed him to gaol.

1537. Have there been many actual outrages committed in the last year or so; any signal ones?—There have been five murders.

1538. Within the last year?—Since 1829.

1539. Within the last year how has that crime stood?—There were three in the last year; Mr. Potts, Brennan and Downing.

1540. Did you do any act in the management of your property, that could account for the change in the disposition towards you?—I do not know that I did. I believe, like every other landlord in the country, I have got rid of some under-tenants; not by ejectment. I was peculiarly situated, for when my colliery was rather more extensively in work than at present it brought upon me a population; many came in, built cabins and stopped there; when the collieries ceased working those men were obliged to seek for work elsewhere, leaving their families without means of subsistence. I was obliged to get rid of them in consequence; they had no ground from me.

1541. When their labour was profitable to you you encouraged their settling near you?—No, I cannot say that I encouraged any man to come there; indeed, I may say on the contrary, I discouraged it as far as in my power.

1542. If you had been a resident there 25 years, you could have prevented those people settling there if it was not your interest to take them?—I do not know that; they had not been tenants under me, but they obtained leave to erect tenements on the property from some of my tenants.

1543. You had the power of calling for the rent after 21 days?—If I chose to exert it.

1544. Do you not think it more merciful to use that power than let them settle and then turn them out on the world to starve?—I do not know how long the colliery might be worked; if the work had continued they would have remained.

1545. Is it in consequence of the fall in the price of coal that the colliery has gone out of work?—No; the working of a colliery is very uncertain; you may get into a bad vein of coal, and then come into a good one again, or lose it altogether.

1546. What was the rate of wages that colliers earned?—I have known colliers earn 5s. a day, and the small boys earn 2s. a day.

1547. What

*Hovenden Stephen,**Esq.**18 June 1831.*

1547. What time was that?—1822, 1823, and 1824.
 1548. Has any very great fall taken place in their wages lately?—Very little; wherever they are in good work they can earn from 2 s. to 4 s. a day.

1549. Was not an extensive colliery stopped upon Lady Ormonde's death?—
 No.

1550. Do you know the property called the Hovenden property?—I do.
 1551. It was managed by Mr. Marshall?—No; he had nothing to do with it.
 1552. He had a mortgage on it?—He might.
 1553. Mr. Gregory was the agent?—No; he came in in right of his wife; he married a Miss Hovenden.

1554. Did Mr. Gregory do anything to excite the lower class of the people against him?—He was excessively harsh to the people, and was excessively unpopular; whether he turned them out or not I do not know; I believe he did not live long enough.

1555. Did he commit any act as a landed proprietor, that you would be unwilling to commit?—He committed several acts upon the unfortunate people there that I should be sorry to be guilty of, and acts of injustice; he refused to pay them their wages.

1556. Would not that account for the animosity and hatred that prevailed among the people?—Yes, against him, but not generally; it would be very hard that the act of one individual should cause animosity against all the gentlemen in the country.

1557. But the acts of one gentleman extend in their consequences to others, and are communicated from one man to another?—If there was an indulgent landlord living in one point, and one unkind living in another, it would be hard to visit upon the one the faults of others.

1558. Is it not the fact that the system of one bad landlord brings down consequences upon another?—It ought not.

1559. Is not the system of Whitefoot general throughout the county?—I believe it is.

1560. Are there not many very kind and good landlords in the county?—I hope there are.

1561. Their estates are not free from these attacks?—Where there is a resident landlord, he is pretty much able to check it from coming in; in any part of the district it is all unfortunately absentee property.

1562. Is the general conduct of the gentlemen of Queen's County of the same character as Mr. Gregory's?—By no means; Mr. Gregory was a Dublin attorney who had no residence in it, and merely came down into the country to collect the rents.

1563. Are there not many of that class of persons, who make use of their profession as attorneys to harass and oppress the people?—I know none of them.

1564. In your experience as a lawyer, have you not known many instances of attorneys coming in to manage an estate under the court, or as agent, who made use of their agency as a means of oppressing the poor?—In the district I lived in I know but one attorney, who managed a very large property adjoining to me; he was a man of very excellent character, and I never knew a gentleman more beloved; I mean John Dunn.

1565. Is that the case with the general class of attorneys employed?—You may be right in the general.

1566. In your knowledge of Queen's County, have you known a considerable number of tenantry in the last seven years turned out of their farms in the same way as you did yourself?—I will not concede that I have turned out tenantry; they were not my tenants; they held no land under me; they were working colliers, who came in for the moment, and when the colliery ceased they went out to seek work elsewhere, and they were very few in number.

1567. Who are the largest proprietors in the colliery district?—The largest landed proprietor in the district is Mr. Butler Clarke; he is an absentee entirely, and a most unfortunate absentee he is; he holds the lordship of Castlecomer, of great extent.

1568. Who manages the estate of Mr. Butler?—Mr. Egan the barrister, of Castlecomer.

1569. Does he reside there?—He resides in Castlecomer; but he is an agent to a large extent of property in Limerick and Yorkshire; he is very seldom at home.

Hovenden Stephen,
Esq.
18 June 1838.

1570. Do you conceive that estate well managed?—Not by any means.
1571. Go on and mention the others.—There is Lord Lansdowne's. There were a great number of tenants ejected off that.
1572. Do you know how many?—No, I do not.
1573. Did he make them any compensation with money to provide a situation elsewhere?—I cannot tell.
1574. Did you ever hear that he did?—Mr. Price, his agent, told me he did in some places.
1575. Do you know what has become of those individuals?—I do not.
1576. Do you know the circumstances under which the farms were placed that fell out of lease?—Very much subdivided, I believe; but it does not come close to my district.
1577. You do not know that in one lease made to one individual, when the land fell in there were some hundreds of families established?—I have heard it.
1578. Have the tenantry of those two estates complained in the period you have mentioned of hard treatment or ill treatment?—Not of Mr. Butler Clarke's.
1579. With respect to the other property, of Lord Lansdowne?—I should think not; I cannot say.
1580. What is your opinion of the rate at which lands are let?—I think they are let upon fair terms: the average price of land in the barony I reside in is 30 s. an acre.
1581. Is it good land?—Yes, very good; the best part of the county.
1582. Generally speaking, do you conceive the land to be let fairly?—I do.
1583. Is the land let to cottiers let at a price at which it would be let in a large farm?—I speak of landlord and tenant.
1584. Speaking of a farmer letting a cottage with a piece of ground to labourers, do you not think his charges to them are most unjust, and far above the value?—I do.
1585. Do you conceive that the rate of wages that farmers pay to labourers gives them a sufficiency to provide the common necessities of life, and pay the enormous rent upon those grounds?—I do not.
1586. Do you not conceive that this oppression on the part of the farmers is one of the causes of the hatred of these people to the farmers?—It is one cause of discontent.
1587. Do you not conceive it to be a reasonable cause of discontent?—I do.
1588. If the farmers state to the labourers that they would pay them higher wages, and set them land cheaper, if the landlord did not charge them so high a rent, would not that account for the animosity of the people extending to the landlords?—That is taking for granted that the landlords do charge too high; I deny that they do charge too much.
1589. Have you known land let at 40 s. an acre?—I have known land set at three guineas an acre, and well worth it.
1590. Is that feeding land?—Yes, the best of feeding land.
1591. Have you known the ordinary run of land in the country let so high as 35 s. and 40 s. an acre?—Not in this district.
1592. In any other district?—I am not much in the farming line.
1593. Have the goodness to detail the names of the other absentee landed proprietors in your district?—Mr. Coshie, Mr. Butler Clarke, Lord Lansdowne, Mr. Boulton, Mr. Ward, Mr. St. George, Lord Ainslie, Mr. Hamilton, Mrs. Cavanagh, Mr. Cuff, Lord Kenmare, Mr. Fitzgerald, Mr. Putland, Sir Henry Parnell, Sir William Hort, Messrs. Bowen & Lackey, Willoughby Carter, Sir Wm. Grace, Mr. Butler, calling himself Lord Galmoy, and Mr. Hackett.
1594. How much territory do you suppose they possess?—Almost the entire barony; there are only four or five resident gentry out of 20,000 acres.
1595. Who are the resident proprietors?—The Mr. Fishbournes, Mr. Cooper, Mr. Thomas, and myself; Colonel Rochfort resides on the borders of the county, and attends the petty sessions constantly.
1596. You have detailed to the Committee the names of those absent from their property, and the quantity of acres they possess; do you suppose in the present state in which that county is, that the presence and activity of those gentlemen are essential, and would mainly contribute to the pacification of the country?—I think it would do a great deal to stop the progress of insubordination.
1597. Do you not think that the exertions they would make would give confidence

fidence to their tenantry, and defeat these marauders?—It would give confidence to the tenantry; whether it would defeat the marauders I do not know.

1598. Do you not think it would be as effectual as any Act of Parliament you at present contemplate?—I think the system is gone a little beyond that at present; their presence even now would hardly countervail it.

1599. Do you think they could command a sufficient force of respectable tenantry to come forward and take an active part in suppressing these disturbances?—I have very great doubts upon the question; in that district there is not a respectable tenantry.

1600. Did you ever make any applications to the respectable landholders to associate for aiding the police and the magistrates?—I did; a meeting of the magistrates was held, and the resolutions to that effect were proposed. I applied to some of the respectable farmers in my neighbourhood about it.

1601. What was the result?—Their answer was in the negative; they put the question to me, Would we be called upon, if we do, to assist in the collection of tithes?

1602. Has the police been efficient as a body?—I do not think they have as much as could be desired; I think the system of police might be changed for the better; they are divided through the district in small bodies, and those parties under the command of constables. I do not think that they use sufficient diligence or activity; they go out in small parties to patrol, and coming up with a body of Whitefeet well armed is not a very pleasant thing: if they make an intemperate use of their arms, they may suffer for it. The sergeant has come to me and asked me, "If we come up with a body of these Whitefeet, what are we to do; are we to fire on them?" "No, certainly not." "Are we to wait to be fired at?" "I believe you must."

1603. Have there been any conflicts?—I believe one latterly, and the police waited till they were fired at.

1604. What was the result?—One of the police was wounded, and one or two of the other party, and one man was taken and is in gaol.

1605. How many of the police were in the conflict?—Six.

1606. How many attacked them?—They could not tell; it was in the night; it was attacking a house on Mr. Bolton's estate: they heard the attack and came up to the house and challenged, and immediately they were fired at by a body of the Whitefeet.

1607. What military parties are stationed in the colliery district?—Two; one at Doonane, in Mr. Edge's house; there is another in Mr. Bolton's house at Maidenhead.

1608. Do you conceive that they have been of use?—I think merely for the conveyance of prisoners, but not an efficient body for patrolling; and I think them useful as a rallying force, they give confidence to the gentry of the country and the well-disposed; they are not allowed to patrol, but without them it would be a difficult thing to send the prisoners through the colliery. In Captain Matthews' case, though he had 20 men of the 70th regiment, and 20 of the police, they attempted to rescue the prisoners, and he was obliged to fire, and shot seven or eight of the Whitefeet, and a great many more wounded.

1609. State the circumstances of Captain Matthews' case.—There were eight men taken by the police, who were out on patrol and heard a shot fired in the colliery district; they made to where the shot was fired; when they came up to the place they saw some men rush into a house; they followed them; the men had made up into a little inside room above the kitchen; they found eight men in this room, and a gun that had been just dropped out of the hands of a man, upon the table; they examined the gun and found it had been just discharged; one of those men got under the bed to hide, and another into the bed. The police took the eight prisoners, and it occurred to them that they must have had more arms, and in searching round the house they found seven stand of arms that the parties had laid against a cock of hay, quite close to the house. They were sent to Kilkenny gaol; but such is the state of the law at present, because no person could prove that arms were seen in their hands, the Crown could not frame an indictment against them, and they were sent back into the district, where they now are committing depredations and spreading the Whitefeet system.

1610. What number of men attacked Captain Matthews' party?—A very large body; several hundreds.

1611. Have the Catholic clergy used all their influence to stop the progress of

*Harcourt Stopleton,
Esq.
16 June 1832.*

Hecandrus Stephenson,
Esq.

18 June 1832.

of these Whitefoot proceedings?—Latterly I think they have, the system has got too much a-head; in the commencement I think they did not. I can only speak of my own parish: the Catholic clergy in my part of the country would not believe that the system was creeping in, and did not approve of calling for a stipendiary magistrate or increasing the police; he said the system had not got into his parish, it was only putting the county to useless expense, and that the magistrates were very officious.

1612. You think they are now exerting themselves?—Yes, I think they are.

1613. Have they thrown off their obedience to the clergy?—In the case of the Whitefoot system they have, in a great measure. The priest is denouncing them at the altar, as I hear, every Sunday, and I am quite sure that it has not had much effect in stopping the system.

1614. Have they lost all that authority they used to have over them formerly?—In this instance it appears so.

1615. Are the attacks made more on Protestants than Catholics?—There are very few Protestants to attack; they have gone out of the country.

1616. Were there many in this district?—Yes; I think there will be few left.

1617. Have they attacked Catholic farmers?—Indeed they have.

1618. Have they suffered as much as the others?—They have.

1619. Do you think that the system has been checked at all by the commission that has been lately held at Maryborough?—I think it may be checked for a time; it is always checked during the summer months, the short nights do not answer for their plan of operations; but I have great doubts of the effect of the special commission; so long as the arms remain in their hands I have no hope of amendment; as yet there is no disposition shown to give up a single stand.

1620. Have they many arms?—Yes, a great many stand.

1621. How do you judge of that?—They have taken them from every person in the country; there is not a house that has not been attacked, except Mr. Fishbourne's and Mr. Cooper's, and a few other gentlemen.

1622. Do they take care of the arms?—They take very great care of them. I am pretty sure the arms are all secreted in pits under ground.

1623. Have you reason to know that?—I was told in one pit there were many arms.

1624. In regard to the care taken of arms, have you reason to believe they take care of them?—By inquiring of the people whose houses were attacked in open day or at night, they told me that the arms always appeared to be in good order: it is pretty apparent; wherever they have gone to commit any assassination they have never missed their object.

1625. Are tithes at all connected with this system?—Tithes are completely extinguished, and the church tax too; they will never be collected again, I think.

1626. This is going on independent of that?—Yes.

1627. Is it the universal opinion there is an end of tithe?—Yes; if you were to talk to a man of paying tithe he would think you were joking with him.

1628. They have given a literal construction to the terms used by the Government regarding the extinction?—In the fullest extent.

1629. What do you conceive are the ulterior objects for which this is intended; do they profess any other object?—The redress of all grievances, whether imaginary or real.

1630. Not specifying any?—Land appears to me the principal object; but I think every other object, when they succeed in one, will follow of course.

1631. You were understood to state there was no specific grievance that the introduction of resident landlords upon the spot could immediately remedy; is there any permanent evil of high rent, or any tangible grievance in the district you speak of, that might be so remedied?—I said, in the commencement the presence of resident landlords might have done much, but the system has got to too great a head now for the power of the landlords to arrest its progress.

1632. Are you aware of any one specific evil that could be redressed to satisfy the public mind, in the occupation of the land or the administration of the laws, in any one way that you could put your finger upon; any one valid cause of grievance that the people could reasonably complain of?—No: tithe was one cause, that is gone; so is the church tax, another cause; in some cases, perhaps, high rents; but above all, absenteeism.

1633. Can you assign any reason for their remaining still in arms?—No; except a general resistance to the laws of the country.

1634. You

1634. You stated you conceive the labourers were not paid a sufficient sum of money to enable them to pay the rent of their cottages and maintain their families; do you not think that a great grievance?—I conceive it to be a grievance, but it has always existed in the country. I think it would be better if the wages of labour were raised.

1635. Has not Ireland always been a disturbed country?—Unfortunately so, I am sorry to say.

1636. Do you not conceive that a sufficient ground for disturbance and discontent?—I do not; it may be a grievance.

1637. Would you not feel, as a professional man, if you worked hard and were ill paid, that it was a grievance?—Yes; but it must be borne with.

1638. Suppose the grievance extended so as to deprive you and your family of maintenance, should you not consider that a grievance?—I should endeavour to look to some other means of support, or go to another country.

1639. Supposing you had not the means of doing so, would you not feel that a grievance?—I should feel unpleasantly situated, but I should bear with it. There is less cause of grievance in this respect at the present moment than at any other; provisions were never more abundant nor so cheap. The description of persons in the dock at the last commission at Maryborough exhibited no kind of poverty; they were all well dressed and well clad as any men could be, and not one of them could say that poverty was the cause of his being brought there. I speak of those out of my part of the country, where there were 18 in confinement for Magee's case; many of them had horses and cars engaged in the coal trade, and many of them had ground.

1640. Were they convicted?—Every one brought to trial, eight out of the number, and the rest remain over.

1641. Have you ever known instances where the landlords found it necessary to get rid of some of the tenants, they have given directions to the tenants who remained not to give shelter to those who were ejected?—I know what is alluded to; it relates to me. There was a gentleman very high in rank who thought fit to interfere with me for preventing a man of very bad character who wished to force himself in upon me: his brother had held a very small portion of ground under me; on his decease this man, who was residing at Grugaie, five miles distance, thought fit to come and take possession of the brother's holding without any legal right; I resisted this, and desired my tenants not to harbour him; he then went to Dr. Doyle and made his complaint; Dr. Doyle wrote me a letter upon the subject of my oppression in this instance as well as others, and stating in his letter the very circumstance you allude to. I believe had Dr. Doyle known the character of the man he would not have taken the part he did.

1642. Was there any lease?—The brother had a lease, but this man was not entitled under it; he had left a nephew, who was the person entitled, who came to me; he was a poor boy; the uncle wanted to turn him out, and take forcible possession for himself; and I believe he so far imposed up Dr. Doyle as to tell him he was the person entitled.

1643. Did he make a claim in right of succession to you?—He came forcibly and took possession.

1644. Did he allege he was entitled?—I believe so.

1645. Did you investigate the question between him and the boy?—He was fully aware of the fact. Dr. Doyle acknowledged he was misinformed by the man, who misled him.

1646. Are you acquainted with the district of the colliery under the management of Mr. Edge, for the canal company?—Very well.

1647. Has anything occurred in that district, that you as a landed proprietor would disapprove of?—Mr. Edge has become tenant to a large tract of ground; the grand canal company held it under Messrs. Bowen & Lackey, for which they paid a considerable rent. The company having a clause of surrender, surrendered both colliery and ground, and Mr. Edge became the immediate tenant to Messrs. Bowen & Lackey, both of colliery and ground. I have not heard that Mr. Edge has turned out any of the tenants, but I have heard that he has made a demand for old arrears due, of the under-tenants to the canal company.

1648. Did you hear he purchased the arrears due to the canal company, and was now seeking to recover them?—I understand Mr. Edge is coming here, and he will tell you more on that subject than I can.

1649. You say Mr. Coshy has an estate in that district?—Yes.

1650. Did

*Harcourt Stapleton,
Esq.*

18 June 1832.

1650. Did he dispossess a considerable number of persons?—I believe he did; it is a good many years back.

1651. Can you state whether the number amounted to 150 families?—I have not the least idea of it.

1652. Do you believe it is so large a number?—I never heard that it was, or anything like that number.

1653. Do you know what became of those people?—I really do not; I never heard. I never saw an estate so much improved as that has been; it was in a wretched state years back.

1654. Did you hear that those persons so dispossessed were the persons who first introduced the system of Whitefootism in the county?—No, I did not; but I heard that the system of Whitefootism was prevalent upon Mr. Cosby's estate before it came into the collieries.

1655. Did you ever hear that a large body of men assembled at a farmer's house digging potatoes, who came from a distant part of the country, and that it was upon that occasion that these men were made Whitefeet, and then circulated it through the district?—I did not hear that particular circumstance.

1656. Did you hear that was the way that the system was first introduced into the county?—No; I think it crept into the collieries by degrees; being the resort of all strangers, it was very natural that it should make its way there; I did not hear any particular place or time at which it commenced.

1657. Did not the system of Ribbonism exist in the counties of Kildare and Meath in the years 1822 and 1823?—I have heard so.

1658. The colliers used to go into those districts, and they had an opportunity of acquiring the system?—Yes.

1659. Did they introduce it into the collieries at that time?—No.

1660. Would you not attribute it now to the causes of great oppression being practised upon them, and they resorting to it as a means of protection?—Certainly not; Mr. Cosby's estate is not in the collieries. At New Town, Castle-comer, Ballynhane and Tollerton collieries, there has been no great change of tenantry.

1661. You stated, Mr. Gregory while in the county committed great acts of oppression?—Yes, so far as being in litigation with the tenantry, and not paying his labourers, or acting honestly. I do not say he had ejected many; he was threatening to do it.

1662. You alluded to his harsh conduct?—Yes.

1663. Would you not attribute the introduction of this system of Whitefootism in 1829 to that cause, when a similar system was not introduced in 1822 or 1823 when so such cause existed?—I said it first showed itself in this district by the burning of Mr. Hanlon's premises.

1664. You would attribute the introduction of the same system in some respects to the conduct of Mr. Gregory?—Mr. Gregory's conduct was oppressive, and must tend to discontent and excitement.

1665. You attributed it originally to the turning out of the tenants who bid for the Chancery property?—Yes; that was the first appearance of it; they were not turned out, the ground was taken over their heads, and they were threatened.

1666. Can it be properly said that the system of Whitefeet has been introduced into Queen's County in consequence of oppression on the part of the landlords?—Certainly not.

1667. Has there been great oppression in the county?—I think not, by any means; there is no place where there was less cause.

1668. Was not the county a very quiet county up to a very short period ago?—For 25 years I have known that district, and I never knew but two violent acts of outrage committed.

1669. From your knowledge generally of the county, was not the county quiet?—It was always considered as one of the most peaceable in Ireland, and the greatest surprise to any one it should be disturbed.

1670. Did not the gentry and people live upon good terms?—Yes, the very best terms; but they do not now.

1671. Were there any complaints against them by the people?—I never heard any.

1672. Has any change occurred in the conduct of the gentry towards the people to justify any complaint against the gentlemen?—There may be some particular circumstances of complaint.

1673. B

Honorable Sir,
Esq.

18 June 1830.

1673. If there have been cases in which tenantry had been turned out, are those rather exceptions to the general rule, or is it the general rule?—They are exceptions.

1674. How many cases in the county have come to your knowledge of anything like turning out tenantry?—I have heard none talked of on a large scale, but Lord Lansdowne and Mr. Cosby. But several other gentlemen have got rid of persons from their estates, as I have myself.

1675. In respect to the general conduct of the gentlemen, it has not been such as to warrant the charge of oppression?—I think not.

1676. Do you know, in the case of Mr. Cosby, that it was the case of the termination of a lease of 99 years?—Yes.

1677. It was a lease of 5,000 or 6,000 acres of land?—Yes.

1678. And that for some years previous to the termination of the lease the title under him was in litigation?—For many years.

1679. During those years other people came and established themselves on it without having any right, or without paying any rent?—Yes, in the same way as they have done so on other estates.

1680. So that, in point of fact, he came into property under no regular authority, and in a certain degree possessed by hundreds who had no legitimate right to be there?—Yes, like a good many others.

1681. Are you aware, that in part of the estate called the Commons of Fossey there were a number of people there guilty of every species of crime?—Yes. I remember it well; I can go back as far as the year 1798; that was a place the resort of the principal rebels and robbers in the Queen's County; if you wanted to catch a desperate character that was the place to go to, and I think I recollect 18 fellows out of it being convicted at Maryborough at one assizes.

1682. Is it not likely, when Mr. Cosby came into the possession of that estate, that he should be under the necessity of removing some of the individuals upon it?—If Mr. Cosby did not do it, and other gentlemen also, Ireland must remain in the original state it has ever been in, without any improvement. I recollect that part of Mr. Cosby's property when there was scarcely a respectable house on it, or a passable road through it, and the tenantry in poverty and misery; now there are good roads and good houses on it; it is a credit to any gentleman to see such a tenantry upon his estate, so complete is the change.

1683. Mr. Cosby was constantly resident there?—Yes. I always heard him highly spoken of by his tenantry; he was a most useful man in the country.

1684. You were acquainted with him?—Very well; and I understand there are not better paid rents in Ireland, nor any more independent tenantry.

1685. With respect to turning off tenantry, can a landlord be fairly charged with doing what is wrong, if under the circumstances of Ireland it happens that he himself, or his father or grandfather, had made a lease of a large tract of ground to one individual, if upon the expiration of that lease he finds it comes to his hands covered and inhabited by several hundred persons, is it a fair matter of charge against him if he does not keep upon his land every individual he so found on it?—If a landlord did not do it he can never make any improvement on his estate.

1686. Does not he cease to be a landlord?—Yes, to be sure, if he is not to be allowed to judge for himself, or to act in the most judicious mode for his own interests.

1687. If he does turn out a great number of men who must become beggars, do you not think that accounts in some measure for the subsequent disturbance?—If he gets rid of a number of poor persons without giving them means to settle elsewhere, or time to look out for some place of residence, it must cause great excitement and lead to disturbances.

1688. Have you thought that the habit of turning off very considerable numbers of people, who when turned off have no means of living, has a tendency to produce disturbance among the people?—Yes, it has a tendency to excite disturbance; but I think it has been more dwelt upon than is called for; it is used as a pretext for ulterior objects.

1689. Is the turning off confined to the landlords in fee, or is it practised by their tenants called middlemen, or others?—Mostly by the landlords in fee, as in the case of Mr. Cosby's property, where it falls into their hands, and they find on the expiration of an old lease too many pawns upon it.

1690. Do not the middle-men, when their subleases fall and are renewed, turn off also?—I believe so, but not to that extent; a middle-man has perhaps not so

Horewiler Stapleton,
Esq.

18 June 1832.

many under-tenants, whereas the landlord is obliged to act in a more extensive way.

1691. Is it the practice, when landlords do eject, to give them any assistance?—Always: I never knew of an instance where they have not always given them assistance, and often full compensation for what they give up.

1692. Do the middle-men give them assistance?—I cannot say; but I suppose they do.

1693. Do you mean to say that when the landlords in Ireland generally turn off their tenants and give them a security, they provision—?—Security for what?

1694. Security for a certain subsistence for a length of time?—No, they do not: where would they get it?

1695. What do they give them?—I have known them give them 5 *l.* or 10 *l.* or 2 *l.*, according to the value of the cabins.

1696. When the landlord turns off a tenant with a wife and four children, he gives the tenant 4 *l.* or 5 *l.*?—Perhaps they may not have a family; they may have an acre of bad ground, and a cabin, or half an acre of ground of very little value.

1697. Is that the provision they get?—This is the sum of money.

1698. Supposing there was a law in Ireland analogous to what exists in this country, by means of which the population of the country existed as a charge upon the estate, and which compelled the proprietor to provide for them, not in the way you describe, but more permanently, do you think those disturbances would exist to the degree they do in Ireland?—I think a poor law would be most necessary and useful in Ireland, and I hope before long to see a modified system of poor law established.

1699. You say you knew the Queen's County to be tranquil for 25 years!—My part of it.

1700. Within these few years it has been disturbed?—Yes.

1701. And within these few years you have described the system of clearing 6,000 acres?—I have not described or said any such thing. I was asked if a gentleman of 6,000 acres had not cleared off a good many from his estate; I said I believed he had.

1702. When you described the country was quiet for 25 years, and when a case occurred where tenants were turned off, then the disturbance arose; may not the Committee fairly infer that the disturbance arose from the turning off of the people with a temporary provision?—My opinion is, that the disturbance has arisen by the system of agitation the people have been kept in; agitation is the mode by which all grievances are to be redressed; and when the lower classes see that the upper class have succeeded so well, why should not they combine to redress their grievances, whether real or imaginary?

1703. If the Member who asks you the question has 500 acres of land that have just fallen into his possession, formerly held by one tenant, and now occupied by 30 families, do you think that Member would consult the peace of the county if he was to improve that farm by clearing it of that tenantry, or be justified in doing it?—I think it would rest pretty much with himself how to act in such a case.

1704. Would not the turning off of 30 families add to the disturbances existing in the county?—I would say, a great deal, and excite disturbance; but it is putting an extreme case.

1705. May we not attribute much of the excitement and disturbance in the county to this removal of the tenants, with a small temporary provision that landlords are in the habit of giving them, so far as that removal has taken place?—It may be the cause of some disturbance, of course.

1706. Do you think the removal of those persons, under the ordinary circumstances of the country, would have accounted for the general system of agitation, of itself?—By no means.

1707. Do you think it adequate as a cause to produce the effect we now deplore?—Certainly not.

1708. Do you not think it has been very much aggravated by the system of agitation?—Unquestionably.

1709. So that it is deducible from agitation, and not this solitary cause?—I do not say that there are not grievances, but that cause alone is not sufficient to account for the excited state of Ireland.

1710. Be good enough to state to the Committee, to the best of your judgment,

what are the principal causes (exclusive now of agitation) of the distress and disturbance in these districts you have been speaking of; are there any?—Clearing of ground, low price of labour, want of employment, want of a provision for the poor and of resident gentry, want of capital; all operate more or less to create discontent and poverty.

1711. You have already stated that the habits of the people of Queen's County up to 1829 were perfectly peaceable and orderly?—I have.

1712. And that the country was secure?—Yes.

1713. It is now in a different situation?—Quite so.

1714. You have stated there were some tenantry dispossessed and turned away; in addition to that, does the rent and the want of occupation in any degree add to the mischief arising from that cause?—With respect to the rents, I think the rents are in general moderate in the district I reside in; and as to the want of employment and payment, they have less to complain of in the colliery district than any other part of Ireland.

1715. Do you mean to say that they were in a situation in which the rents payable by the poor people were too high, compared with the wages they had, to afford the means of maintenance?—I said, where a farmer had set a small half-acre of ground to an under-tenant, by way of having him for a labourer, I thought he charged him too high, and gave him too little wages.

1716. Is that system of under-letting frequent in the county?—Not very much so in the colliery district; it is subdivided from the landlord to the occupying tenant; there are no middle-men.

1717. Do you mean to say there is no distress arising from that circumstance?—I cannot say that there is not.

1718. They hold directly of the landlord?—They do.

1719. Are the landlords, in letting their lands to the occupier, in the habit of being more moderate in settling the rate of rent than middle-men when they let?—Certainly.

1720. The occupation of the country is so far in a better state, in consequence of being in the possession of the holders in fee, than other parts of the country where they hold of middle-men?—They are better for holding under the head landlord than middle-men.

1721. Do your tenants hold immediately under you?—Immediately under me, every one of them; but the farmers have always what they call workmen, to whom they portion out perhaps an acre, and give them leave to build a cabin upon it, upon the condition of their working for them at a certain rate all the year.

1722. Those persons are, so far as their holdings go, occupying tenants?—They are.

1723. Is that practice common among all the farmers you are acquainted with?—Yes, very much so.

1724. Of charging too much to the workmen?—Yes.

1725. Is not that, so far as it prevails, a good cause of disturbance to the people who suffer?—It is a case of hardship, and of course a cause of discontent.

1726. Is the system of Whitefeet under the management of those people who hold patches of land, or under the management of the farmers themselves?—The farmers' sons are as much concerned in the system as the others.

1727. Has not this general district of country, in consequence of it being colliery district, and in consequence of the markets and rent being moderate, and roads throughout it, been rather in a prosperous and improving state during the last 10 or 15 years?—No part of Ireland has improved more in point of roads and the intercourse through it, and in many other respects. I cannot say that the ground has been much improved; the colliers are very improvident; they look to earning money by the coal trade, and neglect the tillage of their ground; they make but little rent out of it; they can earn from 4s. to 5s. a day by taking a load of coals into Carlow.

1728. You have stated that the Whitefeet system was imported from the county of Kilkenny?—It was in the county of Kilkenny previous to its making its way into my part of the country.

1729. Is it your belief it arrived from that county?—I think it came in from that county.

1730. Do you think that the local grievances in the Queen's County would have had the effect of producing the present spirit of agitation, independent of the example set them?—Certainly not.

*Honourable Member,
Esq.*

18 June 1831.

1731. You say it extended itself in the Queen's County by swearing in?—By that mode, I think.

1732. You have stated you have reason to believe there were 9,000 persons sworn in the colliery district?—I have.

1733. Will you state to the Committee the data upon which that opinion is founded?—I have had it from private information.

1734. From persons worthy of credit?—I consider so; I have been more in the way of getting private information, from my knowledge of the colliers, than any other gentleman.

1735. From your connection with them, or from your magisterial capacity?—Not in my magisterial capacity; I can get no information in that way.

1736. Your situation gave you the advantage?—Yes; being a proprietor of a small colliery in the district, knowing every man and every man knowing me, and some of them having confidence in me.

1737. What is the mode of swearing in?—They attend on a certain night in a certain place.

1738. Is it confined to the night?—I think it is most likely; there is a committee probably sitting; some are sworn in; there is a sum of money paid.

1739. Are you acquainted with the oath administered?—I have heard it stated on the table at Maryborough by a witness there, and I have heard it from others; I never took it down: it is directed principally against land and land-jobbers, and to support one another, and go a certain distance when called upon; there is something to extirpate heresy in it.

1740. According to the best of your information, is it a party oath, religiously speaking?—No; it partakes of a religious character; I think it is more directed against land.

1741. Should you recollect the oath you heard as it was given in evidence at the Maryborough assizes?—I should, I think.

1742. "To be true to his brother; to support the Catholic cause; to put down all heretics and land-jobbers, and to put an end to all Protestants?"—That was the oath as given in evidence by a witness at Maryborough assizes.

1743. Have you ever heard from conflicting sources any difference in the form of the oath; have you heard of more oaths than one?—I have heard it stated in a longer form than that.

1744. Differing from it in substance?—No, pretty much to the same effect.

1745. You have stated there is a predisposition in the colliery districts to disturbance, from their habits; do you think that that, rather than local grievances, will account for the extension of the system?—The system is progressing rapidly, and getting into the counties of Kildare and of Carlow; it is a mistake to suppose it is confined to any particular district.

1746. You stated that the first object of the combinator appeared to be the obtaining of arms?—That was the first object.

1747. Did this manifest itself before distinct grievances were complained of?—Tennants were dispossessed previously, but I did not hear much complaint of grievances; I have heard more of them here than anywhere else. I have never heard people in the country coming to complain of those causes.

1748. At this time there were no distinct complaints of local grievances?—I did not hear it.

1749. They began by interfering with the landlords in the letting of their property and the regulation of the wages?—Yes, in 1831.

1750. Was that the first in order of the grievances?—Yes; their operations were directed to attacking houses for arms, first by night, and then by day; they went in the day-time, and there was scarcely a person in the barony that was known to have arms that was not attacked, and the gentlemen who were leaving home were obliged to bring their arms with them or secrete them in their houses; but when all their arms were taken, then they turned their operation to the disposition and settlement of land.

1751. And the regulation of the wages?—Yes; any person who had taken a farm for the last 10 or 15 years was visited and severely beaten.

1752. This system of legislation took place before the general resistance to tithes commenced?—No; I think it was about 1829, or very much the same period that the disturbance took place in the Queen's County, that the tithe business commenced in the county of Carlow.

1753. Do you happen to recollect which, in the order of those associations, was the

the first grievance, the tithe or the high rents, or was the opposition to both going on simultaneously?—It was simultaneously.

1754. Had not the colliery district been quiet until Mr. Gregory commenced his proceedings?—Until 1829; I stated it was Mr. Hanlon's burnings.

1755. It was quiet till that?—It was.

1756. And Mr. Hanlon's burning was in consequence of something done to Mr. Gregory?—No; but taking ground from the courts, over the head of under-tenants.

1757. You have stated you had reason to believe there was a head committee of management, to which the other associations were subject, in the Queen's County?—Yes.

1758. Among which were respectable people?—I did not say respectable, but persons above the lower orders.

1759. Do you consider a farmer holding 30 acres of ground above the lower order?—I stated one man held that.

1760. Do you believe the general class of these head committees to be persons holding 30 or 40 acres of land?—I knew of but one head committee holding so much.

1761. Will you describe the class of men that they belong to?—They were contractors of pits in the colliery.

1762. You have no doubt of the existence of this committee?—I may be deceived, but I think not.

1763. And as little doubt of its having under its government the local affairs of the Queen's County?—The minor associations of the Whitefeet.

1764. Your information upon that subject is satisfactory to you?—I think so.

1765. You stated you found it necessary to leave the country; was that in consequence of your having rendered yourself obnoxious from your magisterial activity?—I suppose being somewhat officious in that way.

1766. Do you think it is any part of the object of these agitators to get rid of the gentry, and render the residence of the active magistrates in the county very insecure?—A very bad feeling exists towards the magistrates and gentry at this moment; a total change in the disposition and nature of the lower order. You will hardly get one to come up and speak to you; your own tenant is afraid to come up to you, for fear he should be supposed giving information.

1767. Do you think that this hostility to the exercise of the magisterial functions amounts to a conspiracy against magistrates, and that they would be glad to persecute them out of the country?—The Whitefeet would be glad to get rid of any magistrate that they considered active, and had a knowledge of the country and the bad characters in it, and for that reason they wished to get me out of it.

1768. You have stated you received notices; were they all of a friendly character?—There was one that was put upon my gates, not to be so officious; that was sent to me while I was at the assizes at Maryborough by the police; but I received many friendly hints to take care of myself. The fact is, that assassination has become so prevalent in Ireland that no magistrate in my neighbourhood feels himself quite secure when going a distance from home; he can protect himself in his house, but not from an assassin, who can be hired for a small sum.

1769. Do you know that fact?—It is perfectly well known to be the fact, and I believe it.

1770. Did it appear that they commit the crime for money?—Certainly, hired by others to commit it.

1771. Do you think there are plenty of such assassins to be obtained?—Not plenty; I should be sorry to think so.

1772. Are they almost always strangers, the persons who commit the crimes?—Not always. Mr. Gregory's murder was a particular case; that was in open daylight, on the turnpike road leading from Athy to Castlecomer, about six o'clock on a summer evening, and not less than 60 people looking at it, as was proved by a witness on the trial of a man charged with the crime; also several cabins on each side of the road, the inhabitants of which were all at home, and saw the five men, who stopped the gig and fired at him, walk away unmolested.

1773. What was the cause of that murder?—Some attributed it to a political cause, some to his oppression and tyranny; I dare say both had a good deal to do with it. He was concerned as agent in a law-suit in the Howden family, where the nephew was against the uncle, and Mr. Hickey, the parish priest, took an interest and active part for the young man; Mr. Gregory took up the case on

Howden Stapleton,
Esq.

18 June 1832.

Harcuden Stapleton,
Esq.

18 June 1832.

the other side; there was a great deal of angry feeling, and it is imagined that was the cause; but I am not altogether of that opinion.

1774. Had the priest any personal interest in this case he took up?—This young man lived pretty much with him, or near him.

1775. Had he any interest in the property?—Not at that time; there was a report that he was to be married to his niece.

1776. Did you ever hear it attributed by persons in the country to his having taken up law proceedings against the priest?—Yes, I have heard it, but there was sufficient cause without that; there was never a more unpopular or a worse man than he was.

1777. You have stated that an opinion prevailed that it was in consequence of his engaging in a law-suit against the priest?—Yes.

1778. Is that the general local opinion?—Yes, it is, by those who do not know the other circumstances which might have operated also; in short, there was a general conspiracy to get rid of the man.

1779. Do you think that it is safe for any man to engage in proceedings against a priest?—I should think it a ticklish matter; I would not like to try it.

1780. Do you think that the feeling among the lower orders is not such as to render it a service of extreme hazard to commence a proceeding against him?—I think so.

1781. Have the prosecutors been generally Protestants or Roman-catholics?—Protestants in most all cases.

1782. Is the influence of the priests much diminishing?—Yes, I think so.

1783. Then it is not to be supposed that a man seeking his rights against the priests will be a ground for his being put to death?—I think there would be danger attending it.

1784. Do you mean that in the general state of the country, or in the present state of it?—In the present state and at other times.

1785. What effect do you think that the appearance of Protestants generally as prosecutors is calculated to produce upon the Protestant residents in the country?—All those that came forward as witnesses at the last commissions have been obliged to leave the county; they are mostly residing in Dublin at present.

1786. You have stated that the Protestants are leaving the county generally?—I wish to confine myself to my own district.

1787. Does any general apprehension prevail among the Protestant residents that they are not in a state of security?—Certainly.

1788. Has that apprehension had the effect of expelling any number of Protestants from the country?—A great number this year have quitted; very few have remained in the district.

1789. This removal of Protestants is produced by a general feeling of insecurity; that it is not safe for them to reside?—No; in a very populous Catholic district they do not find themselves secure.

1790. Are not Catholic gentlemen insecure?—There are no Catholic gentlemen in the district.

1791. Are we to understand that there is anything of a religious character about those disturbances?—There is, very unfortunately, strong religious feeling in Ireland.

1792. Of what kind?—Against Protestants and against Catholics; there is much more of that bad spirit now than ever existed in my recollection in that part of the country.

1793. You found it necessary to remove a number of people in your district; what was the nature of the engagement between you and those people?—None whatever.

1794. Did they hold under you by any tenure?—No.

1795. Did you give them any reason to expect that they would be provided for by you, beyond the terms of their working engagement?—No; they got in without my knowledge or applying to me; I might be in Dublin at the time.

1796. You found they were not taken in upon terms that gave them any reasonable ground to suppose that they would be left there?—No; there were very few I got rid of.

1797. You have been asked whether the oppression of the farmers towards the tenants would give them any reasonable ground of discontent; is the oppression, as it has been termed, towards the tenants greater now than formerly?—No, certainly not.

Henderson-Stapleton,
Esq.
13 Jan 1832

1798. Is the rate of wages lower than formerly?—No, just the same.
1799. Did the conduct of the farmers appear to originate this combination; was that the cause alleged?—I do not know what the cause was; the system crept in from other places into the colliery. I did not hear any cause assigned.

1800. Those people never come forward and say what the cause is?—No, I do not think they could tell you if you asked them.

1801. You have been asked whether residents would not operate a better effect than Acts of Parliament; did the disturbances generally in the Queen's County originate upon absentee properties, or were they extended alike to all?—I cannot say where they originated, but I know they have extended more widely on absentee property. I have been able to check it in the small property I have, and I am sure if Mr. Boulton was resident, and many others, that they would have checked it very much on their estates.

1802. Are not the causes of the disturbance of so general a nature that they are connected alike with all property, absentee and others?—They are not directed against absentee property entirely; they endeavour to propagate them through all properties.

1803. The objections apply to wages, rent and tithes, and other questions that have nothing to do with absenteeism?—Certainly not.

1804. You were asked whether the Roman-catholic clergy interfered in opposition to the present disturbances, and you stated that they are interfering and trying to put them down?—I have.

1805. What was the conduct of the Roman-catholic clergy when those disturbances originated; did they appear to take any part?—Not at first, in my neighbourhood; I suppose they did not conceive that they would have got to the head they have got.

1806. Did they take no part in the tithe question in exciting the people to opposition?—I believe a very strong part; but the tithe question did not come into my part of the county; it was in the county of Carlow and the county of Kilkenny, where it seems to have been put an end to.

1807. But the Roman-catholic clergy did take a very active part in exciting opposition to tithe?—Very active indeed.

1808. Do you not think that that strengthened the general feeling of insubordination through the country?—Of course.

1809. Do you consider that the part they are now acting, in endeavouring to repress the disturbances, arises out of a fear of losing their influence, that the people are going too far and are going beyond the range of their influence, or out of a sincere desire to repress the evils they have excited?—I believe they wish to repress the system as far as in their power; it is the Roman-catholic landholders that are the principal sufferers by it.

1810. Are not the priests a little alarmed at the loss of influence they are beginning to feel?—I am sure they are.

1811. And they are beginning to feel a little uneasy lest the people should get out of their hands altogether?—Probably so.

1812. Is that the motive that influences the priests?—I cannot say that.

1813. Do you think, if the Roman-catholic priests had been as active to repress the first outbreaking as they were to encourage it, that any disturbance would now exist?—I think that they could have checked the disturbances in the beginning in my parish, had they co-operated with the magistrates. We had a very large meeting of magistrates very close to the residence of the Catholic priest. Sir John Harvey came from Dublin, and Colonel Evans from Kilkenny, on the part of Government, and several magistrates and gentlemen attended; and though the meeting was opposite the priest's house and he at home, he did not attend nor give his assistance: we memorialized the Government for troops and additional police, which displeased him very much.

1814. You say that the tithes are extinguished; does that extend to church property as such, or the mode of paying it; do you think there is as much opposition to the payment of tithe as a rent-charge, as in the usual form?—Yes, I think in every shape.

1815. So that in fact it is church property they consider to be extinguished?—They have got rid of the payment of the tithe, which is the only church property in my district.

1816. Suppose you as a landlord charged an increased rent, do you think that the objection of the tenant would be as decisive to the rent-charge as the tithe?—

*Harcourt Scapleton,
Esq.*
18 Jan. 1832.

I do not think it would. I have spoken to them upon that subject, and told them that in getting rid of the landlord would get the benefit of it, on having a farm to let; their answer was, we had rather pay one than be paying two persons; we would have no objection to pay it to a landlord, but not to a person.

1817. Then what do you think would be the consequence of endeavouring to raise the arrears of tithes now in the country?—I do not think all the force in Ireland would do it.

1818. What effect would it have?—A state of open rebellion.

1819. Which do you think is better, open rebellion or the state the country is in?—The state that any part of the country has been in for some time past differs very little from that. I will mention the case of one gentleman, which will show the state that it is in; it is the case of a Mr. Hackett, who purchased the property of Mr. Roeths, joining Sir Henry Parnell's, in the colliery district; he had occasion to get rid of three tenants who owed him a large arrear of rent; they held a farm of about 60 acres; they consented to give him up the possession upon getting their crop and paying the arrear of rent forgiven them: they got into the Whitefoot system; they threatened vengeance against Mr. Hackett, and brought a large party to his steward's house in January last; they beat his brother most cruelly, who was not in sound mind, who was living there in privacy; they beat the steward and his wife, and swore all the labourers not to work for Mr. Hackett. His ears and carts, with all his farming implements, were lying in the fields, and not a person dare go look after them. He was obliged to sell his cattle, and a considerable quantity of hay and corn, at a great loss, as no one dare protect it; they levelled all his fences, and all the cattle of the country were turned in upon his ground; and there are now about 300 acres of land that are a complete waste, which he dare not go nigh himself, nor can he get a person who dare take care of it for him.

1820. He had lately bought this estate?—Yes, and it is a complete waste.

1821. Is Mr. Cosby's estate in the collieries?—Not exactly in the collieries; there is no coal on Mr. Cosby's estate, but it comes up to the edge of the district.

1822. You have mentioned that the estate, at the time he began to clear it, was a complete den of thieves?—I did not say Mr. Cosby's estate was, but that a part, called the Common of Fossey, had been so.

1823. Do you think that the estate was improved by the ejectment of the persons removed from the estate?—Mr. Cosby's estate has been much improved indeed.

1824. Is it not such an improvement as every landlord who wishes to improve the country would have undertaken?—I think so.

1825. You have stated Mr. Cosby is a very liberal landlord?—He is dead within a short period; but he was a very good landlord and a most excellent man. His son is now an absentee, unfortunately for the country; he was the man of the most influence in that part of the Queen's County.

1826. And a man also of very liberal sentiments?—Yes.

1827. Would all the instances of misconduct, assuming that there were gross instances of misconduct on the part of the landlords, absentees and resident, would they all be sufficient to account for the present combination, and the progress it has made?—Indeed I should think not; it is merely a system creeping on from one county into another; there is no more cause for it in the Queen's County, perhaps less, than any other county.

1828. There is less reason than formerly in the Queen's County, and less than any other?—Yes; in the colliery district, where they can earn such high wages, and so much employment.

1829. Have you had any doubt on your mind that the presence of the most influential person upon his property must most materially contribute to the peace and good management of the property?—No doubt of it.

1830. Can you conceive any party who possesses more influence upon the property than the person who possesses the fee of it, and that his presence is the most important for the preservation of the peace of it?—The person possessing the fee ought to have most influence, and his presence would be most important.

1831. You were one of those who proposed resolutions 12 months ago to form an armed association?—I was not at that meeting.

1832. Are

*Horatio Sappleton,
Esq.*

18 June 1834.

1832. Are you aware of any of the circumstances?—Yes; I saw the printed paper containing the resolutions, after the meeting.

1833. What steps were taken at the different places?—I went to two or three men, my own tenants, and showed them the printed resolutions; asked them, would they subscribe their names to them, and have themselves enrolled; they replied, "are we to be called upon to assist in the collection of tithe?"—I told them that I supposed they would be called upon to protect the peace if there was any breach of it, probably not the tithe business.

1834. Do you not think such an association as that would have been very improperly used if they had been called upon to assist in the collection of tithe, when the intention of that association was to protect the property at night?—I do not think that the gentlemen ever contemplated it; but the fear was on their side, that if they enrolled themselves they would be bound to come forward.

1835. Suppose they were assured by the landed proprietors, their masters, absent from the country, that they would not be called upon to act in that way, do you think you could form that association?—I do not think there was much disposition on their part at that period.

1836. Was there any application made to those absentee proprietors to come forward with money or their persons?—I believe they were called upon for subscriptions to supply means to get information, and other purposes; but I believe their presence was not called for.

1837. Do you think if they were called upon to protect their property, that the instructions coming from them might not have induced those parties to come forward and form an association?—If they had come over from England, and had gone round to the tenantry, it might have had some effect.

1838. Do you conceive anything could have had so good an effect?—There is no part of the country in a worse state than the honourable Member for Wicklow's, and his presence wanted there as much as any one's else. The Whitefoot system is spreading there as much as anywhere: he ought to try what his presence can effect.

1839. Do you know when a man is attending Parliament six months, he cannot attend there too?—I know that.

1840. Was the gentleman asking you the question applied to?—I cannot tell.

1841. Could you state any outrages committed upon the estate you have alluded to?—During the special commission I was in that neighbourhood; I heard it from several persons that Vickers-town was getting as bad as any other part of the Queen's County, but I did not inquire into particulars; I heard that houses were attacked.

1842. You cannot state to the Committee any applications that were made to form these associations?—I cannot, but several magistrates made application to that effect.

1843. You have stated you consider there was a very bad feeling existing and increasing between the lower orders and the gentry?—I did.

1844. What feeling do you consider to exist between the resident gentry and the Government of the country?—Not at all a good one. The gentlemen of the country do not feel that they have been supported, nor their advice in many respects taken, upon many matters that occur in the country. I have spoken to all parties, the moderates, the conservatives, and the liberals, and I never heard a man of any party who had confidence in the present Government, if there is any Government in Ireland.

1845. In point of fact, is it your opinion that the resident gentry of Ireland do not consider the present Government sufficiently vigorous?—Certainly.

1846. Have they complained of the Government in any instances in your knowledge?—They have; because it has been only by the continued applications from the magistrates of the country that they have been able to get in any force to oppose the system; it has been all thrown upon the gentlemen of the country to point out what is to be done, instead of the Government adopting them.

1847. What has been the nature of those applications?—For increased force, military police, and a stipendiary magistrate; the disturbances got too great a head before any steps were taken by Government, and great delays in sending them into the country. I went myself to the Castle several times to inquire the cause of the delay, particularly as to the stipendiary magistrate, who, had he been sent much earlier into the colliery district, would have in a great measure checked the disturbances; I allude to Mr. Singleton.

*Harold Stapleton,
Esq.*

18 June 1835.

1848. Would you wish to convey to the Committee that the Government have been remiss in their exertions to assist the resident gentry of the country?—I think in the first instance they were sapine; latterly, when disturbances got to a great head, they have been very anxious to aid the magistrates.

1849. Do not the Government receive weekly reports of the state of crime in the different counties?—I believe so.

1850. Then they must have known as far as a year and a half ago that the country was getting into a state of disturbance?—The Whitefoot system was making way into the collieries for some time, but did not break out with great violence until the last year.

1851. The Government took no part themselves, but waited till they were set in motion by the magistrates of the country, and even then they hesitated?—It was at the urgent solicitation of the magistrates they took any steps to repress the disturbances.

1852. Do you think that the manner in which the magistrates have been spoken of by the Government, in the House of Commons and in other places, has brought them into disrepute with the common people; that the common people do not look up to them in the way they did before, since they have been spoken of in the way in which they have been?—I have not heard of any observations of that kind being made, but there is a strong feeling on the part of the magistrates of Queen's County from some observations reported to have been made about them in the House of Commons, which they feel quite undeserved.

1853. Do you know what the observations were?—They were to the effect that they were not sufficiently vigilant, and did not co-operate with the landowners in the country, or would not receive their assistance or advice, but held their meetings in private.

1854. Are you sure that those observations were made?—Something to this effect was reported in the newspapers.

1855. They were made upon a petition presented in favour of the Insurrection Act?—I think it was on the presentation of a petition from Queen's County.

1856. Was there a meeting previous to that where the magistrates signed a declaration in favour of the Insurrection Act?—At the last assizes there was a memorial to the Government from the high sheriff and the grand jury to take the case of the Queen's County into their consideration, and adopt such measures as they might deem proper; and I believe the Insurrection Act was mentioned in it.

1857. You signed the petition?—I was one of 47 oligarchs who signed it.

1858. Therefore you are aware probably of the contents of that which produced this discussion?—Yes.

1859. Part of it was this: "Your petitioners must observe that severity to the evil-disposed is humanity to the good, and they feel confident that thousands of industrious farmers and peasants will hail with satisfaction the replacing the Insurrection Act upon the statute book, which if enforced will oblige those who are in the habit of assembling to commit outrages, to remain in their houses during the night;" do you continue to be of that opinion?—Most decidedly, and I will tell you why. Several well-disposed farmers in the country have come to me and said, "Will there be any law given to keep these people from coming to our houses, and visiting us at night?" Others have told me they have not slept a wink for many nights, watching their sons, for fear they will get out. At the last assizes there were 26 men sentenced to transportation for Whiteboy offences, and at the last commission there were 38 convicted, 18 of whom are under sentence for transportation. Had the Insurrection Act been in force, many of these unfortunate men would have been now at home with their families.

1860. Your cause of complaint is, because they did not give you the benefit of that Act?—Because they did not adopt some efficient measures to repress the disturbance. I do not care what that measure may be, if it has the desired effect.

1861. Still that was the Act the petition asked for?—The magistrates thought that was the Act that would meet the exigency of the case.

1862. But the object of this petition of these 47 gentlemen was to get the Insurrection Act introduced?—I do not think it was; I think it was merely to get what is now going on here, a Committee of the House of Commons to inquire into the nature of these disturbances, and to point out what remedy they might think best; and at the same time suggesting the Insurrection Act as a law that might meet the case.

1863. Was

1863. Was not this the case, that at a meeting the magistrates declared their object by certain resolutions?—I believe so.

1864. And one of the resolutions goes to the effect of requesting a Committee should be appointed to examine into the efficiency of the laws to suppress outrages; and that was the general object of the meeting?—It was.

1865. With regard to the Insurrection Act, it was mentioned in the petition, not in terms praying the House of Commons to re-enact it, but as an expression of their opinion as to the use that might be made of it?—Yes.

1866. Are you of opinion that the same Act of Parliament, commonly called the Insurrection Act, would be the best measure that could be adopted, putting aside all amendment of it?—I think if the penalties are too severe, they might be mitigated or modified. I am quite sure there is some law at present wanting to restrain these nocturnal visitors, and powers given to the police to take up those persons whom they find out at night.

1867. Are you of opinion, if any severe measure is passed in consequence of the failure of this commission and the law being proved to be inadequate, that extraordinary punishment should be inflicted by the local magistrates?—I should rather wish it was not, and I know such is the general feeling of the magistrates in the Queen's County; we would rather that power should be invested in the hands of others.

1868. The object is not to get power for the magistrates?—Certainly not.

1869. But to suppress outrage?—Just so; if the powers could be invested in a King's counsel and the assistant barrister of the county, it might be attended with a good effect, and it would be what the magistrates of the county wish.

1870. In speaking of the respectable farmers that spoke to you about the state of the country, wishing something to be done to check outrage, were they Catholic farmers?—Mostly. The men convicted for Whiteboy offences are not the persons most deeply concerned in these outrages. I know one man convicted at the last sessions, a young man of most excellent character; several came forward to give him a character: many I am sure are forced into it, and many have left the country to avoid the system. Parties who go out at night decoy the sons of farmers and others, who may be detected and brought to punishment, as at the last sessions, and who are now under the sentence of transportation.

1871. A few desperadoes and marauders invading estates, may influence the men who may be on it, and so spread it over the country?—Yes, as in the instance of the eight fellows who came back from Kilkenny gaol. Had the Insurrection Act been in force they would have been now under sentence of transportation probably, instead of being at large in the county, committing all sorts of depredations.

1872. Are there many persons who are pensioners in that part of the country?—I believe there may be a few, but I do not know it.

1873. What description of characters are they?—Not good characters, but the contrary.

1874. Are they concerned in the outrages?—I suppose some of them have been.

1875. Do you conceive that any plan would be an advantage by which they might be induced to emigrate?—I think such a plan would be salutary.

1876. Have you heard of any plan that has been in agitation of giving them three or four years' pension to enable them to emigrate?—I never heard of it, but I think it would be a very good thing.

1877. With respect to the commutation of the pensions of soldiers, has it come to your knowledge that some have commuted their pensions and spent the money in Dublin, and then come back into the country?—No, I never heard of it; but it is very probable it may be the case.

1878. You say these pensioners are a very bad description of persons?—They are in any part of the country.

1879. Although they are in some degree independent?—Of course they are.

1880. If they lost that independence and came back to the country, would they not be much worse than before?—Certainly.

1881. If a person could make a bargain by which he received a sum of money on condition of his emigration, one-third would be paid here and two-thirds abroad, do you think that many would remain at home?—I would not give them the money here, but pay their passage and give them a cheque for the balance when they got abroad.

*Harcourt Stopleton,
Esq.*
18 June 1878.

1882. You have said that the magistrates of Queen's County were under the impression that they were not supported by Government, if there was any Government; is that circumstance generally known by the Whitefeet, and has it operated as an encouragement to the Whitefeet, the terms that have been made use of by the Government in speaking of the magistracy?—I cannot say what knowledge the Whitefeet may have of it, or how it may operate on them.

1883. Is it generally known in the country that the Government have spoken not very favourably of the magistrates?—It is certainly known that the Government are not altogether very friendly to the magistrates of the country, and that they do not wish to adopt the measures the magistrates think necessary for the preservation and peace of the country.

1884. Do you conceive that that operates as an encouragement to ill-disposed persons?—I think it has given them more confidence and boldness in resisting the laws, particularly as to tithes.

1885. Do you not think that if there is any party to be spoken ill of, it is those persons possessing those large tracts of land, who seldom put their foot in the country at all?—I think they are a great misfortune, and their absence most injurious to the country.

1886. Do you know that there have been any very extensive works carried on in the country?—There have about Maryborough.

1887. Do you think that the strangers that have come in to work at the guol have tended to introduce this system of outrage?—Certainly, in the same way that they have brought it into the collieries.

1888. State what occurred in Carlow during the special commission?—While the special commission was sitting in one county town and convicting a great number of unfortunate men for Whitefeet offences, at the same period there was a resistance to the law in the adjoining town of Carlow. There was property put into the hands of the sheriff under an execution, and brought into the town of Carlow for sale by the military; the sheriff was obliged to give back the property, he could not execute the King's writ, as no one dare bid for it. It is said not less than 20,000 persons from the surrounding counties came in with banners during the auction, to deter any person from bidding, and prevent the sale.

1889. Was there any violence committed on that occasion?—No; it is not by violence, but the display of physical force, they carry their object and overawe the Government.

1890. Do you think there was any connexion between that special commission and the turn out?—No; it was connected with tithes.

1891. Do you think that these disturbances will subside?—I do not think there is the least prospect of it till they give up their arms; while they keep their arms those will be an inducement to them to continue their depredations.

1892. Was there any search made for arms? Yes, a grand search planned in the Castle at Dublin without much consultation with the resident magistrates: there was an immense display of troops drawn from all parts of the country; the search commenced at an early hour in the morning in the least disturbed part of the country, towards the colliery district, the principal part of which was not searched, at least Newtown was not, where it was imagined a great deal might have been found had they proceeded there in the first place.

1893. Did the magistrates assist them?—Some of them.

1894. Do you know whether the search was successful?—They got some few stand of arms from yeomenry and Protestants, but not concealed arms.

1895. Did you think it your duty to give information to the Government of those arms which you heard were concealed in the coal-pits?—The information was communicated to the resident magistrate as well as me; but it is not so easy to get arms out of a coal-pit, and it might probably not be correct information.

1896. Did you communicate it to the Government?—I did not hold much communication with them; if I get private information I do not think I am to communicate it to everybody.

1897. It is your duty to communicate it?—I communicated it to the resident magistrate; I think it my duty to communicate with him when residing in the country.

1898. Are you aware why the plan of search was not communicated to the magistrates; was it to prevent any communication or disclosure being made, even through the magistrates, to the people of the country?—I dare say there was a necessity for secrecy.

1899. Are

1899. Are you aware that everybody in the country had 24 hours' notice of this search?—No; but in the colliery district, where the arms were, they had notice from the time the search commenced in the lower country.

1900. Are you aware that a telegraphic communication was kept up by fires along the hills?—No, not in this instance; the search continued only from morning till evening, for one day.

1901. Are you aware that in the town of Stradbally, the day before the search was made, no individual knew what was intended, though a company of infantry had marched into the town that day?—I know nothing of it, whether they were or not.

1902. Do you mean to say that previous to the commencement of the search it was generally known there was a line of country to be searched for arms?—I have not said so; all I said was, that I thought it most injudiciously done, and that the magistrates were not consulted as to the best mode of operations.

1903. Of course the magistrates that assisted in the search communicated all that they knew?—I understand they never knew of it till they got a note the night before, requesting them to meet the troops in certain districts, and continue with them.

1904. And communicate what they knew?—I suppose so.

1905. Do you think that Colonel Rochfort was as well apprised of the facts as the other magistrates were?—Colonel Rochfort had more information on the matter than the other magistrates; he had been in Dublin, and went purposely to the country to assist in the search; he had been consulted at the Castle upon it.

1906. Do you know whether the magistrates gave any directions that were disregarded by the searching party?—I should think not; I was not at it.

1907. Are you aware that they got 120 stand of arms, or 40 stand?—I never heard they did, though I have spoken to the different magistrates who were out.

1908. Do you attribute that want of harmony and concurrence between the Government and the resident gentry to any political feeling?—I do think the gentlemen in that part of the country have any political feeling against the present Government; I have none.

1909. What does that arise out of?—They think there is a want of energy in the Government.

1910. To what does that extend?—They let the country come into a state almost of open rebellion without adopting energetic measures.

1911. Did not that state exist in other parts of Ireland under former Governments?—Not in the Queen's County.

1912. If it existed in Clare and other counties, why should you accuse the present Government if former Governments have been equally guilty?—The disturbances in Clare commenced in the present Government. I am acquainted with the county of Clare, having property there, and I know the feeling amongst the magistrates and gentry there is the same as in the Queen's County; that it was in consequence of the sapineness of Government that disturbances got to such a head there.

1913. May not former Governments have been equally culpable in this matter?—The state of Ireland was not so much convulsed under former Governments.

1914. You were asked whether that want of concurrence may not be attributable to political feelings?—Yes.

1915. You have been asked whether the present disturbed state of the country is not owing to the misconduct of former Governments; have former Governments ever in so marked a way held up the gentlemen of the country and the magistrates of the country as objects of reprobation, in the manner that the present Government have done?—I know that the Queen's County has never been in a state like the present under former Governments, nor at any former period. I have known the same want of confidence in the Government as the magistrates now have.

1916. Has it been the conduct of former Governments to depreciate the conduct of the yeomanry and landlords?—No; I think that breach is wider than it has ever been before; there is that want of confidence and co-operation between the Government and the magistrates which I do not remember in former times.

1917. Do you find that this hostility to the present Government exists among those who have been their political friends, as well as those who are known to be their political opponents?—I think it is very general.

Colonel Sir John Harvey, called in; and Examined.

Colonel
Sir John Harvey.
18 June 1831.

1918. YOU hold a situation in Ireland in the Police?—Inspector-general of the Police of the province of Leinster.

1919. Have you long filled that situation?—For something more than four years.

1920. Is the Queen's County within that province?—Yes.

1921. And Kilkenny also?—Yes.

1922. Is Kilkenny your head-quarters?—No; I reside in Dublin at present.

1923. What is the present state of the Queen's County?—I consider the Queen's County to be in somewhat an improved state; a decidedly improved state as to disturbance. I hold in my hand reports which will enable me to refer to facts upon that subject, if I am allowed so to do.

1924. Certainly.—Anything I have to say upon the subject of the state of the country must be of a general nature; it is drawn from official reports made to me as the head of the department, by the police officers under my control. I speak less of my own knowledge.

1925. Have you not been engaged personally in the actual inspection of the state of the country?—Yes.

1926. Then you can speak from your own observation as well as the reports of your inferior officers?—The details are reported to me by the officers; the outrages I do not see committed myself.

1927. State the result of those reports.—I can merely state generally that the chief constables have reported to me a considerable decrease of crime and outrage in the last month, compared with the several preceding months; that is to say, that during the month of May there has been a diminution of crime in proportion to April and March.

1928. Have you a complete account of the month of May?—Yes, an abstract of crime and outrage committed in the several districts and baronies.

1929. What effect has been produced, do you think, by the special commission at Maryborough?—I think there has been decidedly a good effect produced by the convictions before that special commission. I consider that as one of the causes of the improved state of the county.

1930. Have you had any recent communications, so as to be able to give the Committee any decisive opinion upon it?—I have a letter, received this very morning, from the chief constable of that district considered the most disturbed, viz. the colliery district, in which he states that not one-fourth of the crime has been committed during the month of May that was committed during the months of April and March.

1931. Does he express an opinion that a progressive improvement has taken place?—Yes; that the outrage is yielding to the measures adopted by Government, to the exertions of the resident magistrates, to the efforts of the police directed by them and the paid magistrates, and the result of the commission; and he also adds, to the effect produced by the pastoral exhortations given by the Roman-catholic bishops and clergy.

1932. What exhortations does he allude to?—To the pastoral letter of Dr. Doyle, the bishop of that diocese, and I think from other priests. Dr. Kinsale, the Roman-catholic bishop of the adjoining diocese, has also addressed a letter to the Whitefeet, which has already had a good effect.

1933. You are acquainted with the conduct of the magistrates of Queen's County since you have been inspector there; what should you say has been the character of their proceedings?—I should say the magistrates of Queen's County are exemplary; that they have not only as magistrates discharged their duty effectively in directing the exertions of the police, but whenever the state of the county has been such as to require an increase to the police force, they have invariably voted it; so that Queen's County is paying 26 police constables for each of its baronies, the law only requiring 16, and the adjoining baronies only having that number; in ordinary times, 16 policemen in each barony is the requisite number.

1934. Have you opportunities of knowing from communications you have with Government whether the Government are satisfied with the conduct of the magistrates in that county?—I have reason to know that Government is highly satisfied; and I may mention a circumstance which occurred just before I left Ireland. It

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Colonel
Sir John Harvey.
18 June 1832.

was the intention of the Lord Lieutenant to make a tour through the disturbed districts, and in making that arrangement he said, "We will begin with Queen's County, for I am anxious to show my sense of the good conduct of the magistrates of that county."

1935. With respect to the police force, has it been of any great use, and has it discharged its duty well?—I can speak comparatively: with respect to their conduct generally, the police of Queen's County have an exceedingly high character; I think there is not a better establishment in the country; the officers are particularly intelligent and active, and there is an *esprit de corps* among the men that has led them to make applications to me to request me to remove men who they consider had disgraced themselves; they said they did not wish to serve with such men. I consider it is one of the best-regulated establishments in the whole of that part of the district.

1936. Have they conducted themselves with moderation and forbearance towards the people?—Yes, almost to the extreme point, till it ceased to be consistent with public duty.

1937. What is the state of the county of Kilkenny?—I consider it in an improving state.

1938. Is there much disturbance going on?—There has never been much disturbance in that, except in the northern section: looking at it as divided into three sections, it is in the northern, that which connects itself with the collieries of Queen's County, that disturbance has chiefly prevailed.

1939. Is that improving?—Yes.

1940. Is there any improvement in the county of Carlow?—That is under the influence that extends itself over the whole of the south of Ireland; the question of tithes. I do not think the Whitefeet system has extended itself much to Carlow nor any other counties.

1941. Nor into Kildare?—No; I consider those counties comparatively tranquil, except upon the tithe question.

1942. In the King's County are there the Whitefeet?—Rather the Blackfeet.

1943. Can you state the distinction between the two?—I have heard a very clear and accurate distinction from a gentleman in the next room waiting to be examined, and therefore perhaps I had better leave it to him.

1944. Has there been much difficulty in obtaining evidence so as to detect persons connected with this Whitefeet system?—In consequence of the system of intimidation, and the extensive nature of the combination, there has been great difficulty, but that has been in some measure overcome.

1945. Has it been a difficulty of such a nature that the long continuance of the system enabled it to get great head before there were any means of checking it by the execution of the law?—It has acquired a very great strength, but it has yielded to those means I have alluded to.

1946. In what way do you think it has been overcome?—By the exertions of very intelligent magistrates and police officers, who have had funds placed at their disposal, and have made a judicious use of them; it is impossible to obtain information without payment.

1947. Were those funds appropriated till lately?—I think perhaps not quite sufficiently early; that means of remedy was not applied till it was clearly called for.

1948. Was it found possible to obtain evidence, or to execute the law, without having recourse to those means?—I should think it was impossible.

1949. It was found in practice there was a great extent of crime committed, and no person apprehended?—Yes.

1950. Does that appear upon the returns of your officers?—It is a part of our instructions to them to use their utmost exertions to procure that evidence, but it was found impracticable.

1951. Has it occurred to you that you have seen an account of several hundred crimes, and hardly the arrest of a single person concerned?—Yes, I might say so to a very great extent, at one period.

1952. Did not the magistrates enter into very large subscriptions to obtain this information?—Most liberally.

1953. And that a great part of the fund proceeded from those subscriptions to obtain information?—I am not aware of the fact; I have no doubt it was so; but whether the funds were subscribed and made available for that purpose I do not positively know. I alluded to the funds placed by Government at the disposal

Colonel
Sir John Harvey.

19 June 1862.

posal of their own officers. I am aware that the magistrates of the county did come forward in the most liberal way; but funds advanced and applied in the manner I have mentioned, are much more likely to be useful than funds supplied by magistrates: I mean, that I think persons would be found who would give information to the paid magistrates, who would not come forward to a county magistrate.

1954. The magistrates were induced to come forward and subscribe this fund in the absence of all others?—Yes, but not that the Government ever refused to allow funds.

1955. Has the Government the means of giving such funds?—I should doubt it, to any great extent.

1956. Do you find that disturbances are always less during the summer months than during the winter?—Yes.

1957. Therefore the diminution of crime at this moment may be referrible to that cause?—Yes, in some measure.

1958. Would not the police system you have described be more operative and efficient if there were some means to keep people confined to their houses at night, to prevent this migratory and predatory system?—There is no question but that it would.

1959. Is not that a desideratum for the Government itself?—It would facilitate the exertions of the police to preserve the peace.

1960. And give security to the people of the country?—Yes.

1961. Do you not consider it is a desideratum for the Government to have that power?—I should be glad to see the Government armed with some such power.

1962. To be applied or not, according to the necessity of the case?—Yes; but as to the Insurrection Act, I should give a different answer.

1963. In the present state of Queen's County, should you think any measure of that kind necessary to be resorted to?—I think, on the contrary, that the law as it is now administered and administering, will be sufficient to restore the right feeling that has formerly existed; the conduct of the petty juries, and the conduct of the resident gentry and the nobility and the landlords, and the good spirit that prevails among all that is respectable in the county, will work its cure.

1964. During the special commission lately, were not there crimes committed of equal enormity pending the commission?—Not to that amount, certainly, although outrages were committed during the continuance of the commission; there was one murder committed during the commission.

1965. Do you not think that having in some degree accomplished the objects of the combination, that that will account for the diminution of crime, such as the effectual repression of tithe?—I should say that the opposition to tithe is undiminished, there is no relaxation of that.

1966. Where the attempt is made to recover it; but as there are no general attempts made to recover it, there is no general resistance?—I would repeat my answer to the former question, by saying that the Whitefeet outrages and the Rookite outrages have much decreased, and that they are on the decrease. I think that many persons have been alarmed by the late commission, who have left the country; I think that a small band of persons may have committed those outrages, and by the examples made and the dread of being involved in the consequences of their crimes, they have left the country.

1967. What should you state is the object of the Whitefeet combination?—A system of intimidation, to possess themselves of arms, and to legislate upon the subject of lands, rent, labour, and the hire of servants.

1968. Taking the management of affairs into their own hands?—Yes, in a good measure such may be their object.

1969. You have stated that Dr. Doyle and the priests have recently exerted themselves to quiet the people, and you have alluded to the pastoral letter of Dr. Doyle addressed to the Whitefeet; is that the letter in which he calls upon them to exert all their wit in opposition to that odious impost called tithe?—This is a late one; the purport of it was to refuse the consolations of religion to those persons engaged in the combination called Whitefeet. Dr. Doyle has always been opposed to the system of tithes.

1970. Do you not conceive that Dr. Doyle's opinion upon the subject of tithes, and the pains he has been at to propagate those opinions, has been the principal cause of the opposition?—That may be very likely.

1971. And followed out in detail by the priests?—I think we are now mixing together

together what I wish to keep distinct, the Whitefoot outrages and the feeling on the question of tithes.

1972. Do you think they are distinct?—Yes, I do.

1973. Is it your opinion that the writings of Dr. Doyle, sustained as they have been by the conduct of the priests generally, have been the principal means of exciting and upholding that opposition?—It must have materially strengthened it, expressed from so high and influential a quarter.

1974. Have you heard through the medium of report anything concerning the nature of the oath that bound this combination?—Not from any authority that would induce me to attach weight to it, or to repeat it to this Committee.

1975. You have stated that the difficulty of obtaining evidence has been partially overcome?—Yes.

1976. Then that description in Lord Ormonde's letter would not apply, that the intimidation has been carried to such an extent as to make it impossible to obtain legal evidence by which offenders can be brought to justice?—I think that is now yielding.

1977. Have you got any very valuable testimony which has induced you to come to that conclusion?—There are several persons connected with the murder of the police at Carrickshock have lately been taken up upon that information.

1978. Have you heard anything of the present extraordinary practices of turf-kindling?—I saw a copy of the report from one of my officers to the Government, not addressed to me; and I have received a letter this morning extra-official, and therefore I cannot produce it here; it speaks of this thing, and states the impression upon the minds of a certain class of the inhabitants, that there is a great deal more intended than presents itself: the dipping the turf in holy water, and sending it through the country, has been a general practice as a precautionary remedy against the cholera; but it is supposed to have been resorted to (I allude to those gentlemen whom I should rather call alarmists) as a means of ascertaining with what rapidity information of any nature can be conveyed through the country.

1979. If that was the object, the effect has been discovered that information may be conveyed with amazing rapidity?—Yes; but I should not think that was a new discovery; they must know perfectly well that the Boys in Ireland can run at a very great rate, and that they are at their service whenever they wish to employ them.

1980. And the diffusive manner in which it has spread?—Nobody can doubt it, admitting the extent of a general organization and combination for any object; but I do not see the point of this experiment; I think it has been rather to mystify and create a vague alarm.

1981. Have you received information where it originated?—No, not the least. The first report I saw of it was of persons entering the town of Carlow from the collieries; persons rushing into the town with lighted turf, stating that the cholera had broken out in the collieries; the same occurred at Kilkenny, from New Ross.

1982. Did not it extend within eight miles of the metropolis?—I do not know; I rather think it did.

1983. Has it not reached a place called Kill, in Kildare?—Yes; I think it very likely.

1984. Have you had any opportunities of knowing the influence that degraded priests have over the minds and morals of the lower people?—I have heard it.

1985. Do you not think that that superstition which would induce persons to send their relatives to fairy doctors, would equally place them under the influence of those priests?—Yes, no doubt.

1986. You have stated it would be useful to keep people at home at night?—I think it would tend to tranquillize the country.

1987. Have you at all considered that subject?—I think I have so far considered it, that I am by no means disposed to recommend the measure described as the Insurrection Act; I by no means insinuate that.

1988. To whom would you give the power of visiting under that Act?—That would be a matter of detail for the officers of Government.

1989. Would you give it to the police?—Yes; under the order of a magistrate.

1990. Do you think that this would tend to keep the magistrates on good terms with the lower orders?—No; it would tend to widen the breach that already exists betwixt those classes, and that is the very reason why I should not

Colonel
Sir John Harvey.
18 June 1815.

recommend the adoption of the Insurrection Act; and above all, not to place the execution of it in the hands of the local magistrates.

1991. In whose hands should you place it?—In the hands of Government, to be executed through paid magistrates and the government officers.

1992. What is the general conduct of the stipendiary magistrates in Ireland?—I cannot answer the question as regards Ireland generally; but in the province I am attached to, I should say they are perfectly worthy to be trusted by the Government and the country at large.

1993. Do you think that the stipendiary magistrates live harmoniously with the magistrates of the county, or is not there some jealousy?—Yes, there has been occasionally, but if that officer conducts himself properly there ought not to be; his duty cannot at all interfere; he is sent there to aid them and perform those duties which it would be obnoxious to require of the resident gentry.

1994. Are you sworn in as a magistrate in all the counties within your province?—Yes, in all those counties under my superintendence.

1995. Do you think it part of your duty to carry on a correspondence with the magistrates of the county?—I do not act magisterially. I hold the commission of the peace chiefly to enable me to take a share in any investigations connected with the police establishment. I do not act magisterially except in the absence of any other magistrate.

1996. If a county was in a state of disturbance similar to this in Queen's County, should you think it your duty to go down to those counties without communication with the Government?—It is the Lord Lieutenant of the county I communicate with, though I correspond individually with every gentleman in the county, if he addresses me.

1997. When these disturbances first appeared, did you think it your duty to go down and examine into them?—Yes, I did think it my duty to do so.

1998. Can you mention any occasion when you did go down to inspect?—Not referring to dates.

1999. Did you go to Castlecomer?—Repeatedly.

2000. Were you directed by the Government to go to Castlecomer?—I was sent generally into the county which was disturbed, and went to whatever part of it I thought my duty required me.

2001. Were you at Castlecomer at the time the attack was made upon the police and military, in consequence of some tithe transactions?—The moment I heard of it I went down instantly; I was there on the Sunday, and this occurred on the Thursday or Friday.

2002. How long did you remain there?—Two days, in the colliery district.

2003. Had you time to examine into the information given respecting this attack?—Yes, I think so. I saw every person concerned; I was at Mr. Stapleton's house at Tollerston, and in the colliery. I was in communication with the chief officer of police, the commanding officer of the troops, and the stipendiary magistrate, and every person who could afford me information; and I reported the result to the Government.

2004. You said that the Lord Lieutenant had some idea of making a tour into those districts in the summer; did you accompany the Lord Lieutenant in his tour to Clare?—I did not.

2005. Do you think that the touring of the Lord Lieutenant about the disturbed counties is the most likely way to restore tranquillity?—If I may answer that question from my own individual opinion, I should say it was not a measure of that nature which I consider was contemplated. I am not at liberty to state the exact object of the Lord Lieutenant; perhaps it was to make himself personally acquainted with the resident gentry and nobility. I can only state that he gave the preference to Queen's County, to show his sense of the zeal and good conduct of the magistrates; beyond that I do not feel authorized to go; the Committee are aware that the tour has not taken place.

2006. Are the Committee to understand that the whole of the province of Leinster, with the exception you have mentioned, is free from Whitefeet and Blackfeet disturbances?—No, I do not think that; though I am not aware that there is any material disturbance in the other counties that can be correctly denominated Whitefeet disturbances. The term Rookie will better describe the outrages that have taken place in the county of Meath and Westmeath, &c. than the new term Whitefeet, which to my mind is not particularly clearly defined.

2007. You have described the opposition to tithe as being very general; is it

so generally established as to render it hopeless to recover tithes?—I should consider so; that is my firm conviction, that the law as it now stands is utterly inefficient; that the Government have not the means of putting the clergy in possession of the tithe, and that no force of military or police that could be combined could have that effect.

2008. Does this opposition apply to the new law of tithe by composition?—I should say it applies to everything under the denomination of tithe; the people of Ireland appear determined not to pay anything under that denomination.

2009. Will they resist the payment of the arrear?—Yes; such is my conviction.

2010. They will resist the law passed this session?—Yes; and I am not aware in what way the hands of the Government can be so strengthened as to collect it under the name of tithe.

2011. Do you believe, if the denomination was changed, and a rent-charge was substituted, the opposition would be as great?—I think if a landed property-tax was imposed sufficient to create a fund for the payment of the established clergy, and to leave a surplus for the Roman-catholic clergy, that such an impost would be paid cheerfully.

2012. If that tax was an acreable tax and charged upon every occupier, do you think that the same occupiers would be satisfied to pay it?—I think a sufficient sum might be raised without including the smallest payers; all who pay less than 10 *l.* rent, for example, might be excluded; and if this fund was raised upon landed proprietors of 10 *l.* and upwards, a sum sufficient would be raised.

2013. Would you raise it by a rate, or an acreable assessment?—That would be for consideration hereafter. I have seen two propositions upon that point: one to levy it as an acreable tax, dividing the land according to its quality; land that pays 30 *s.* and upwards, land that pays from 20 *s.* to 30 *s.*, and land from 7 *s.* 6 *d.* to 20 *s.*, and land that pays still less; but what occurs to my mind is, that a landed property-tax would be less objectionable.

2014. Do you think if the persons upon whom it was levied knew that the tax was a substitute for tithes, that the same opposition would be made?—I think not.

2015. Do you not think that the real ground of the resistance to the payment of tithe refers to the Protestant church as an establishment opposed to the religion of the people?—I think that is a very important part of the objection.

2016. And to the extent that that influences the opposition, it would be an opposition to the payment of it in any form?—No, I think not; a land-tax including the payment of the Catholic clergy, there would be no objection to.

2017. If the Roman-catholic clergy were excluded?—Still it would not be objected to.

2018. Do you think that the Roman-catholics would accept of payment at the hands of the State?—I can only state my own opinion; they might in the first instance, but ultimately they would not object to it.

2019. Have you turned your thoughts to what class of occupying tenants, or the landlords immediately above the occupying tenants, that acreable tax should be paid by; have you turned in your thoughts the way of apportioning the burthen between the owner in fee and those who hold under him, down to the occupying tenant?—I would not propose to impose it upon any that pay less than 10 *l.*

2020. Supposing there are two or three holders under the landlord in fee, and a man who has a lease for lives, should you throw the burthen upon him?—That is a matter for the consideration of Parliament, and for the details; I have not gone to the extent of suggesting any details of that kind, only a general outline to relieve the country from its present state; anything perpetuating the name of tithe will be objected to; I do not mean to say that it will lead to insurrectionary acts, but every legal obstruction that the people of Ireland can give to it will be adopted; the feeling upon that subject will continue, and the prosperity of the country be interrupted.

2021. You would not recommend any measure that had for its object the levying the arrear of tithe?—On the contrary, I think it impossible that any legislation can take place that does not recognise the right of the clergy to all arrears of tithes.

2022. Have you read the late law that has been enacted?—No, I have not.

2023. It

Colonel
Sir John Harvey.
18 June 1831.

Colonel
Sir John Harvey.
18 June 1830.

2023. It has been stated in evidence that the resident gentry have not met with as much support from the Government in those disturbed counties as they had a right to expect; are you aware of any instances in which the Government have refused assistance?—No; on the contrary, I should be prepared to state that no such instance has occurred in the province of Leinster in my own knowledge.

2024. You held your present office under the late Government?—Yes; I have held it since April 1828.

2025. Have you found there has been less concurrence under the present Government between the resident gentry and the existing Government than there was between those gentry and the late Government?—I think there is. I think of late the magistrates of the county have not shown that confidence in the Government that they did formerly. I think that may be referrible to various causes.

2026. Do you attribute it to any political causes?—Yes, I think it may be attributed to political causes.

2027. Do you refer to the politics of the Government regarding reform or any other question, or merely the policy they have pursued with regard to the magistrates?—Many of the magistrates have refused to take out the commission of the peace since the appointment of the present Lord Chancellor of Ireland. It was supposed, at least the plea was, that an unreasonable demand had been made upon the subject of fees, but whether that was the real motive can only be a matter of opinion; but under that many have refused to qualify, and they remain in that state.

2028. Do you think the treatment of Government towards any particular magistrates has led to any feeling of that kind?—I have no hesitation in saying that I have understood that the Newtownbary affair and the affair of Captain Graham has, to a certain class of the gentlemen of Ireland, given offence; and it has been considered as the ground of objection to their acting with that degree of confidence and cordiality that they formerly did.

2029. Do you think that is an extensive class?—Yes, I think it may be considered extensive.

2030. So as to enter very generally into the magistracy?—I think it is extensive.

2031. Does it occur to you that in quiet times any improvement could be made in giving further efficacy to the law, in the case of the smaller class of crimes?—I think that the magistrates and the police invariably do their duty; but still I think those minor offences have passed unpunished very frequently. I think there is an impunity extremely mischievous in its effects upon the people of Ireland. I find that persons accused of offences are not prosecuted as they ought to have been: there is a sort of laxity and neglect of duty upon this subject somewhere.

2032. Although the magistrate inquires into it, and the police-officer does his duty, it does not always lead to punishment?—No; so it appears to me.

2033. May it not arise from the difficulty of carrying on prosecutions at the quarter sessions?—Yes, there may be a difficulty of that kind, and also an expense, or the want of a public prosecutor.

2034. Do you think that the English principle of law, that the person injured shall be the prosecutor for the injury, and incur the expense of seeking redress, though the injury is considered to be an injury to the public, should be applied to Ireland?—No; I think it should always be treated as an injury to the public, and a public prosecutor appointed; that might remedy the evil.

2035. If there was a public officer that should take charge of the informations laid before the magistrate, and superintend laying the bills before the grand jury, and, if found, see that the case was properly conducted in court; if all that was conducted by a public officer at the public expense, would that tend to give the law full effect?—Yes, and it would tend to create a respect for the law, which does not now exist.

2036. Is there not now so much impunity that the people are careless of committing offences?—Such has long been my impression.

2037. May not the impunity allowed in those smaller crimes in ordinary times, form the basis and tend to the extension of insurrectionary crimes, when attempted to be introduced by some factious or Whitefeet party?—Yes, I think so.

2038. And that the present laxity amounts to a sort of bounty upon crime?—Yes, it relaxes the morals of the people, and makes them indifferent to the commission

mission of petty crimes; whereas if they were promptly punished we should have a very different state of things in Ireland.

2039. Is it not the case that in the best of times there is a feeling in Ireland that a person is not protected so much by law as by giving way and compromising?—Yes, and personal favour; and which state of things appears to me to lead rapidly to the commission of greater crimes.

2040. Do not the people always possess considerable power by intimidation?—Certainly.

2041. Which seems to be the only instrument in operation now?—It is so.

2042. What is the feeling of the people towards the constabulary?—They were very much more popular; they were reconciling the prejudices of the people until that unfortunate occurrence in the county of Kilkenny, which has thrown us back again, I think: I allude to Carrickschock.

2043. Would you consider the measure of the people's hostility to the police as the measure of their merit?—I should not quite admit that: I meant that the good temper and forbearance with which they performed their duty was making its way in the minds of the people, and showing them that they could always have recourse to the police for protection; but now since the agitation of the tithe question and the extension of the Whitefeet system, we are thrown back a good deal.

2044. But excluding all the good part of the community, the hostility of the bad part to the police must be in proportion to their utility?—Certainly.

2045. It has been stated that a large body of the police was introduced into Queen's County from the north of Ireland; is that the fact?—Yes.

2046. What was the cause of it?—It was thought preferable to employ strangers to persons connected with the county; it is merely giving effect to a principle which has been long recommended to the Government, not to employ in the county persons belonging to it. This principle of interchange is, I believe, to be introduced into the new bill, bringing people from the north into the south, and vice versa.

2047. Did you ever hear that it was attributed to the circumstance of the people from the north being of a different religion, any dislike that may have arisen against them?—I am not aware of that, but there may have been such a motive unknown to me. It was put upon the ground that persons from a distance would be free from those local feelings that police belonging to the county might possess.

2048. Do you not believe that any such feeling would tend to increase any hostility of the people?—Yes; but I have never yet inquired, though I have appointed to all the vacancies for the last four years, I have never put a question to any one as to what his religion was.

2049. Assuming that the combination was purely a Roman-catholic combination, that had no serious effect upon the Roman-catholic people, but was more directed against the Protestant population; do you think if the police were Catholics they would be likely to act with as much vigour as under other circumstances?—I am of opinion that the difference of religion would make no difference in the discharge of their duty; I am satisfied that a Roman-catholic policeman would do his duty as well as a Protestant policeman, excepting in the case of tithe; with respect to tithe I do not know.

Mercurii, 20^a die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Major-General *Robert Crawford*, called in; and Examined.

2050. YOU reside in the county of Kilkenny?—I have resided occasionally at Castlecomer since the year 1829.

2051. Are you a magistrate of the county?—No; I have no property in the county; the small property I possess is in the county of Monaghan.

2052. Is the part of the country in which you live much disturbed?—Very much indeed when I left it on the 11th, and prior to that.

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2053. Can

Colonel
Sir John Harvey,
18 June 1832.

Major-Gen.
Robert Crawford,
20 June 1832.

Major-Gen.
Robert Crawford.
to June 1832.

2053. Can you trace the disturbances to any particular period, or any circumstances that have occurred there to occasion them?—Yes; towards the latter part of the year 1829, a spirit was excited amongst the lower classes there by the itinerant demagogues and by the priests of the country against tithes; that spirit prevails so very much among those classes, and had such an influence on the lower orders, that a general spirit of opposition arose to tithes, and what were termed tithe-hurlings took place; those tithe-hurlings were headed by their priests; and towards the 1st of January 1830, it was intimated that on that day they would assemble at Castlecomer, and that in spite of all opposition they would march through the town, show their strength, and also impress the country with their power, and that they would organize. The Government were acquainted with that circumstance, and a large collection of police took place, and two companies of the 21st Fusiliers were ordered to Castlecomer to prevent this assemblage and protect the peaceable inhabitants. Measures were taken by the only magistrate then in the town, Captain Butler, to prevent the assemblage, by dispersing the different parties as they might be disposed to come to the two bridges between Castlecomer and Kilkenny, where they had determined to assemble, to march into Castlecomer. In the meantime the governor of the county, the high sheriff, and the other constituted authorities assembled, and the previous intention of the magistrate was frustrated by them; the party was allowed to assemble, and they marched huzzing into the town of Castlecomer, with the then inspector-general of police along with them, headed by their priests. It is from that I date the great cause of the disturbance in the county, as they acquired character and consistence, and as they gained superiority over the civil authorities.

2054. Is the system confined to the opposition to tithes now, or has it extended to other objects?—It has extended very much to other objects.

2055. What description of persons are engaged in those lawless proceedings?—There are a considerable number of farmers, but the greater number are of the lower order and ill-conditioned; there are some schoolmasters in it who are great inciters to it, one of whom was made prisoner; the Roman-catholic schoolmaster of Koon was the person taken up.

2056. Was he the man that headed the party at the time they attacked the police, when several were murdered?—I do not know; he was the person who headed them when the party was attacked, and a man of the name of Mark Wilson, a Protestant inhabitant of the neighbourhood of Castlecomer, who gallantly secured him; he made his escape, but he has since been taken up by Sergeant Spiers of the police.

2057. Do you think that the priests still encourage those disturbances, or that they are doing their best to put an end to them?—Though they may say publicly they are putting an end to them, I am satisfied they have in every instance excited the disturbance. I know it, as I have very good authority upon the subject; besides that, I myself have seen them heading the mob and exciting them.

2058. Are the magistrates in your neighbourhood active in putting down those disturbances?—The magistrate does his duty in fear and trembling; he fears to be persecuted if he does his duty; if he does his duty he is liable to be tried at the King's Bench, and fleeced of his money, and his character injured. I believe the magistrates unsafe.

2059. Are there many resident gentry in that part of the country?—There are many resident gentry about Kilkenny, but not one in the neighbourhood of Coolcullen; the only resident gentlemen in the country were the clergymen, but they have been driven from it; they were active and benevolent gentlemen and charitable to all classes.

2060. Do you attribute any part of the disturbances to the mismanagement of the property in the county?—Not at all.

2061. You think it originated in opposition to tithes in the first instance?—Yes.

2062. You have stated that you have no property in that part of the country?—Certainly not.

2063. You happened to reside there?—I came there to reside because it was a cheaper country and more eligible for me.

2064. How long have you resided there?—Occasionally from the year 1829.

2065. If you have so resided so short a period of time, how can you assure this Committee that the present disturbances arise in some degree from the mismanagement of the property?—I made very particular inquiry as to the cause of the disturbance, and I found that the cause was the excitement of Priest Doyle and

Major-Gen.
Robert Crauford.

20 June 1832.

and the demagogues of the country exciting against tithe; I made particular inquiry about it; and my reason for doing so was, if I should be called upon, that I might tell the whole truth.

2066. Is it fair to ask the description of the parties from whom you made those inquiries?—I had it both from Roman-catholics and Protestants; I had it more from the farmers than the gentlemen.

2067. You have stated that these tithe-hurling matches were headed by the priests?—They were; I saw them.

2068. Is it fair to ask whether you saw them yourself?—I did myself.

2069. Actually the priests heading them?—Yes.

2070. Is it clear to you that the object of those hurling matches was levelled against tithes?—No doubt.

2071. How many instances did you see of that description?—The great instance from which I take my date was the coming into Castletown on the 1st of January 1830; that was the great meeting: there were several other meetings at Ballyragget, and other parts of the country; every day and night there are meetings; I do not think there has been a day for the last two years without meetings; nor do I think there is a day or night without aggression on the peaceable inhabitants.

2072. You state that the object has been to get rid of tithe in that neighbourhood; you reside in the neighbourhood of Castletown?—In the town of Castletown.

2073. Can you state whether there are any particular circumstances that are connected with the case of the tithes of that district?—I know of none; they are moderately set, and I believe they are by composition; and I know that the Dean gives to the poor of the country nearly one-half of his income.

2074. Are you aware of the composition?—No, I am not; but it has been stated to be moderate.

2075. Are you aware what the tithe was before they entered into the composition?—I believe it was more than it is at present: I do not know exactly, but I have heard from two or three people it was more.

2076. Are you aware in that particular district, that in that very parish of Castletown there were only, previous to the composition, 2,000 acres assessed to the tithe, and under the tithe composition there are 10,000 acres now chargeable with tithe, which has therefore caused great dissatisfaction in the minds of the farmers?—I never heard the extent of it before; it may be so.

2077. If that were the case, can you conceive there might be a party in the parish dissatisfied with the composition?—It is very possible: it is the nature of man that he will rise up against any aggression.

2078. It was not a case of aggression, but a case of the operation of the Composition Act?—I know none of those circumstances.

2079. You have stated that the disturbance now extends to other objects, which first commenced against tithes?—I have.

2080. Will you state to the Committee what those other objects are?—The object is to expel the Protestant part of the society of the country from it; and I have reason to think and believe also, that the disaffected wish to appropriate the property of the Protestants to the use of the Whitefeet and their friends. I believe also the rents will very soon be resisted, as tithes now are.

2081. These are all with you matters of opinion?—No doubt they are; but not opinions founded without data.

2082. Have the goodness to state the data.—I will state one reason why I think they wish to expel the Protestants. They have fired at them frequently, some at their work, and others coming from divine worship. I can mention the names and bring proof, if necessary, by affidavits of the persons fired at; also Englishmen and Protestants employed under the noblemen and gentlemen of the country have been attempted to be murdered, and very nearly murdered; and some unfortunate wretches have been actually murdered; one at the collieries, another attempted to be murdered near Coolcullen; another was fired at on the 28th of May last, coming from church; three were fired at in their fields upon the 27th when at their work; another was fired at at his own door upon the 4th of the present month, and another upon the 2d of this month, upon the bridge of Castletown. It is from these data I infer that their intention is to drive the Protestants out of the country.

2083. Do you mean that the Committee shall understand that the principal object

Major-Gen.
Robert Crawford.
30 July 1838.

object of these parties is confined to those attacks upon Protestants?—No, I do not think it is altogether confined to attacks upon Protestants; but you asked me what I thought their ulterior objects were. I have mentioned that I thought one was to drive the Protestants out of the country, the next is to appropriate the property to those who had none. It is no property, I think, against property.

2084. Do you mean to confine those cases of attack and outrage to Protestants?—Yes, I do: those persons were Protestants.

2085. Have there been any cases of firing at Catholics?—No firing at Catholics that I know of, but henting them about lands.

2086. They fire at Protestants and they beat the Catholics?—Yes.

2087. You have alluded to the persecution of magistrates; the Committee do not clearly understand what you mean by the persecution of magistrates?—If a magistrate does his duty firmly and conscientiously, he may still be liable to be prosecuted by action, through Popish lawyers, at the King's Bench; and though he may be acquitted, very much expense and trouble result from such prosecutions.

2088. Are not the magistrates of England subject to the same?—I think prosecutions of this sort are very seldom resorted to in England.

2089. Do you mean that you would free the magistrates in Ireland from such liabilities?—No, I should be sorry if they were free from liability if they acted improperly; but I should be sorry to see them injured, if it was evident to the government of the country they were doing their duty to the best of their ability and judgment.

2090. Then do you mean by persecution, leaving the magistrate liable to be brought to account in a court of justice for misconduct in the execution of his duty?—I think the case of Captain Graham is one that might be adduced as trenching on persecution.

2091. State what you conceive to be the persecution in the case of Captain Graham?—In attempting twice to bring him to trial for the same offence.

2092. I never heard that he was put upon his trial?—He was attempted to be put upon his trial twice, as I understood.

2093. Attempted to be put on trial, and putting on trial, are distinct terms?—They are.

2094. State what you conceive to be persecution?—When Popish lawyers find a magistrate is doing his duty against the Catholics, they very often put to great expense the well-conditioned magistrate.

2095. You have stated there were no resident gentry in the neighbourhood of Castlecomer?—I do not think I stated that: I said, in the neighbourhood of Koolcullen there are resident magistrates; in the neighbourhood of Castlecomer there is a Mr. Eton, and Mr. Butler; he, however, did not renew his commission at the present King's accession.

2096. Is Mr. Eton a proprietor?—No, agent to the Hon. Mr. Wandesford.

2097. Mr. Wandesford is the owner of the soil?—Yes.

2098. He does not reside there?—He occasionally resides there, but very little, in consequence of the ill state of the health of his lady.

2099. What extent of country does he possess?—It is an extensive property; I cannot say how extensive; I should think about four miles in length, and three in breadth.

2100. Are there any other great properties there?—Yes, considerable, in the neighbourhood; there is Lord Carrick's property; there is a considerable number of large properties in that neighbourhood, none of which are resident properties, except Major Bryan's of Jenkinstown.

2101. The object is to know from you how much of this country is deprived of the presence of the proprietors of the soil?—A considerable district; and I attribute a vast deal of the disturbance in the country to their not being on the spot, and the priest and the demagogues availing themselves of that power that should have rested in the owners of the land.

2102. You mean stepping into their shoes?—You may say so with great propriety; it is not the precise expression I should have made use of, however.

2103. You have said those people marched into Castlecomer from the bridge?—The two bridges in the way to Kilkenny, that was the place of their rendezvous.

2104. Were they called upon in the King's name to disperse?—I cannot tell you that; but I saw the governor of the county exert himself to take their bats or hurls and ordering them to disperse, and they resisted him; and one of them flourished

Majors-Gen.
Robert Crawford.
10 June 1832.

flourished his bat in his face, which I assisted to take; and I know he was hustled by them, and I know that I publicly declared against the mode of conduct pursued.

2105. Are we to understand that the magistrates had no power there at all?—I will not say they had no power, they had two companies of infantry and several hundred police, and the assistance of all the loyalists of the town; and I offered with half a company to disperse the party and capture the ringleaders and burn the hurlers' bats in the town, and it was refused.

2106. Who refused it?—All the constituted authorities.

2107. Did the chief magistrate of police?—Yes.

2108. Who was the chief magistrate?—Sir John Harvey. I protested publicly against his conduct, and told him, "I protest publicly against your conduct this day; you are doing great public mischief in giving countenance to these scoundrels, and it will not end here."

2109. Did you report his conduct to the Government?—I reported the whole of the transaction to Major Gosset, and I wanted him to arm the well-affected against the disaffected, but he would not do it; I went to the Castle on purpose.

2110. Are you a magistrate yourself?—No; if I had been a magistrate the hurlers never should have marched into Castlecomer; the Government were well acquainted with the affair, to my knowledge, from the police magistrate.

2111. Did you state to the Government the conduct of the police magistrate?—I am not certain that I did in the precise words I have mentioned, because I did not wish to injure Sir John Harvey; it was not my intention to do anything to militate against the conduct of a valuable officer, nor would I have mentioned his name, as you are aware, if I could have avoided it; but I believe Government and the country are very well acquainted with all the circumstances.

2112. Was there any breach of the peace committed upon the day you are speaking of?—I think the resistance to the civil magistrate who desired them to lay their bats down, and not to use them in the way they were doing, and to disperse, was resistance to the civil power.

2113. Was there any breach of the peace?—No, except in the manner I have described; coming and hurraing into the town, and flourishing their bats, and ordering the military to open their files that they might march through, which was by the priests' orders.

2114. There was no breach of the peace?—There was no fighting.

2115. Was there any blow struck?—I did not see any.

2116. There was a sufficient force provided by the Government to disperse the people?—Yes, one-half or one-fifth would have been sufficient.

2117. Were the magistrates of the county present?—The high sheriff of the county was in his carriage, and several of the magistrates; those I mentioned were present.

2118. The governor of the county was present?—Yes, he was, and hustled among the mob.

2119. Who was he?—The Earl of Ormonde.

2120. You are aware that the military and police are subject to the orders of the magistrates on these occasions?—Yes, and we are the servants of the civil power.

2121. If any of the magistrates present had given an order to the military officer, or the officer of the police, to disperse the mob, do you not think they would have done it?—Yes, promptly.

2122. Have you any doubt that Sir John Harvey would have obeyed the order of the magistrate?—He is a magistrate himself, and could act of his own authority.

2123. But there were many other magistrates present, and the high sheriff of the county, he was there as a military officer?—I should not have waited for orders, if I had the power to act myself.

2124. Do you think he would have obeyed the directions of the magistrates, if given?—Yes, I am sure he would have obeyed their orders, if he had not orders from a superior personage.

2125. Have you any reason to know he had any orders to the contrary?—I know of none, but I have heard it.

2126. From any person of any authority?—Not through Sir John Harvey.

2127. From any person of any authority?—No, certainly not.

2128. Did

Major-Gen.
Robert Crawford.
20 June 1832.

2128. Did any magistrate give any order of dispersion to the mob?—I know that Lord Ormonde did, and I know that Captain Butler did.

2129. They desired them to disperse?—Yes, to those entering from the collieries on the bridge, prior to Sir John Harvey coming up.

2130. Did any magistrate desire Sir John Harvey to disperse the mob?—I believe that Sir John Harvey had a previous communication with the priests, and they had promised, if he permitted them to move through Castlecomer, that the mob would disperse quietly, and never again assemble; and I believe that he believed the priests. I told him that he ought not to believe them, that they would deceive him, and they did deceive him, for they assembled immediately afterwards near Ballyragget.

2131. You think Sir John Harvey acted with the intention to prevent an effusion of blood, upon an assurance from the priests that there would be no disturbance?—I do not comprehend the force of the question; you ask me if Sir John Harvey acted under the impression of preventing the effusion of blood; I do not think any blood would have been spilt.

2132. You have said that Sir John Harvey relied upon the pledge given him by the priests, "if the people were allowed to march quietly through the town, they would disperse and not assemble again?"—Yes, I heard Sir John Harvey say so; and when I said, "Why will you suffer this disgraceful triumph of the mob?" he said, "I have been promised by the priests, if I permit them to have their own way now, they will not again assemble;" and I told him not to believe them, for I knew they would be guilty of falsehood, that they were always false, and from what I knew of the year 1798, I would not credit them; he said, "They have promised in the most positive manner that another assemblage shall not take place." I said, "They will deceive you, and I protest against your letting them march through the town; it will gain accession to their character and strength to their party." He said, "I have promised them, and they must go on." I said, "I protest publicly against your conduct this day; it is doing irretrievable mischief."

2133. Do you not think that Sir John Harvey believed that the effect would be to prevent any breach of the peace?—I believe Sir John Harvey did. I have heard he had a communication with the Priest Doyle that day. I am sure Sir John Harvey's humanity would teach him to spare the effusion of blood whenever he could.

2134. Do you not think that he believed the statement made to him?—I am quite certain that he could not tell a falsehood.

2135. You do not believe what the priest stated?—Not at all.

2136. If you had believed what they had stated to you, and supposing you had been in Sir John Harvey's situation, would you not prefer suffering the people to march quietly through the town to the interfering by force and violence to disperse the mob, and thereby run the risk of causing an effusion of blood?—No; I could have dispersed them with the greatest ease, without effusion of blood. I dispersed a larger mob at Birmingham by instant decision; if determinate decision is used at the first moment against any mob, it will paralyze them.

2137. You are sure you could disperse the mob without any effusion of blood?—Yes; I feel quite positive I could have done so.

2138. Suppose there had been resistance?—I am sure there would have been none.

2139. Suppose there had been resistance, would not that lead to the effusion of blood?—I cannot say; I dare say it might have been; but my own decided opinion was, there would have been no lives lost or blood spilt.

2140. Did you call upon any magistrates to read the Riot Act?—I had nothing to do with it.

2141. Did you do it?—No.

2142. Did you call upon the magistrates to request Sir John Harvey to disperse the mob?—Why should I do it?

2143. Did you do it?—No, I did not do it.

2144. You took no further steps than what you have stated?—I thought I had done quite enough.

2145. You have a very bad opinion of the priests?—No person has a worse.

2146. You would not believe a word a priest said?—Not upon religion or politics; I might in the common transactions of life.

2147. You think there is a conspiracy against the Protestants in the county of Kilkenny?—Yes, in a very great measure.

2148. Do

Major-Gen.
Robert Cranford.
30 June 1832.

2148. Do you not know that Major Bryan is a Roman-catholic residing in the county?—I have heard so.

2149. Has he not been the object of attack by the Whitefoot and Blackfoot?—I believe he has; but he has not the influence that Priest Doyle has.

2150. Have not several Roman-catholic farmers been the object of attack?—I am sure they have.

2151. Has not Captain Rock's law against tenants coming in been directed against every class of His Majesty's subjects, Roman-catholics, Presbyterians and Protestants?—I do not know that; but I know the whole is influenced by the Catholic priests.

2152. How do you know that?—By seeing them head it, and seeing their influence over them.

2153. How often did you see a priest at the head of a mob?—Six or eight times in different situations.

2154. State where.—At Koon and at Castlecomer, encouraging them.

2155. What were they doing on that day, on the 30th of January?—They were leading the mob into the town, and directing them.

2156. What did they direct them to do, to keep the peace or break the peace?—To march, and keep themselves in regular bodies.

2157. Did you hear them give any orders or directions of any kind?—I cannot say I did; it would be impossible to hear them giving orders, there was such a shouting, and as I am rather deaf it would be next to impossible for me to have heard them.

2158. How do you know they were encouraging the people to violence, if you did not hear what they said?—They were the stimulants to the people's collecting; they headed them on the occasion.

2159. You did not hear any of those reverend gentlemen say a single word?—Yes, I heard them say several words, but indistinctly.

2160. What did you hear them say?—I heard them talk to the people; but at such a distance I could not distinguish what they said.

2161. Were you not afraid of being there yourself?—I had two companies of the 21st, which I formerly commanded, and a double-barrelled gun in my hand, and am not habitually fearful.

2162. Is it not possible that the priests in those crowds were exerting their influence to preserve tranquillity and to deter the people from committing outrage?—It might be possible, but I do not think it probable.

2163. You stated from what you knew of the priests in 1798, you would not credit a word they said?—I would not.

2164. What did you know of them in 1798?—I have been upon courts-martial at that period, in which it was proved that before the insurrection they had come forward and sworn that they would be faithful to the King, and assist him against the disaffected then in arms in the north of Ireland; and immediately afterwards they headed the people in arms against the King, the troops and the loyalists of the country. I saw several priests hanged and shot; I saw a priest hanged by a court-martial at Monasterevan, named Prendergast; I saw another hanged at Tullagh, that famous priest Murphy, guilty of a great many murders; and it appeared on the courts-martial, of which I was a member, that in several instances when the murders were committed at Vinegar-hill, there were several priests composing the council that ordered those murders.

2165. Were they parish priests having benefices?—I believe so; I knew the one at Monasterevan was.

2166. Had he a parish?—Yes; I heard so, and believe he had.

2167. What parish?—In or near the town of Monasterevan, I think, because he was tried and hanged there.

2168. You only think it?—I am sure it was there he was hanged and tried; it was in Mr. Cassidy's house in Monasterevan he was tried, and hanged on an ash-tree near the bridge.

2169. If it was stated that there was not a single Roman-catholic priest in the year 1798 concerned in the rebellion who held a parish, would you say that that was not a well-founded statement?—I am quite positive it was stated he was priest of the parish, and I am sure by a reference to the trial, which could be had, it would be found that my statement is correct.

2170. It appears that you know a great deal of the rebellion of 1798?—I com-
manded

*Major-Gen.
Robert Crawford.*
30 June 1832.

manded the whole of the artillery in county Wexford in 1798; I was selected for that purpose by my regiment.

2171. You presided at some courts-martial?—No, I did not preside; I was a captain at that time.

2172. You were on the courts-martial?—Yes.

2173. Under those circumstances, have you reason to believe that that rebellion originated with the priests or Protestants?—I am sure it originated first with the Presbyterians of Belfast.

2174. You mention that the magistrates were deterred from acting in the county of Kilkenny by the apprehension of the Court of King's Bench interfering to punish them?—No, I did not say that; they feared to be persecuted by penalties and by pains in the Court of King's Bench. I know that one excellent magistrate, Mr. Butler, was so apprehensive of such consequences that he would not take out again his commission.

2175. Are you able to tell any instance in which any prosecution was carried on through the Court of King's Bench against any magistrate in the county of Kilkenny, by any Popish lawyer, or any other lawyer?—I did not say there was any prosecution carried on in the county of Kilkenny; I mentioned the name of Captain Graham, that was the only person I alluded to.

2176. You mentioned through the Court of King's Bench, that the magistrates were deterred by penalties and pains to be operated upon them, and that they were deterred doing their duty?—I think it would be a great means of deterring magistrates from acting, if they feared prosecutions in the King's Bench.

2177. Can you tell the Committee any single instance in which any pain or penalty was inflicted in the Court of King's Bench upon any magistrate?—Certainly not.

2178. Or any prosecution instituted?—No, certainly not.

2179. Are you aware no man can proceed against a magistrate in the King's Bench but through the medium of an information?—I am not; and was on this head, uninformed till this moment.

2180. Are you aware that no magistrate, if he should commit an error and breach of the law, can ever be punished by the Court of King's Bench, except the court is satisfied that he has acted from criminal and corrupt motives?—I never heard it explained before.

2181. Then you may be satisfied the Court of King's Bench, so far from being likely to deter magistrates doing their duty, is more likely to encourage the magistrates.—I have heard the magistrates say that they feared they might be prosecuted in the King's Bench by lawyers for anything that they might do in the country, and that it would be attended with very great expense and inconvenience to them.

2182. What remedy would you suggest to correct those mischiefs that follow from Popish counsel?—Indeed, I do not know any remedy that could now be applied.

2183. Did not the magistrates who accompanied Sir John Harvey, in the instance you have been speaking of, all agree with him that no violent measures should then be taken?—I do not think all agreed with him.

2184. Who was it that did not?—I think Captain Butler was of opinion it would have been better to have acted; and I have heard that Lord Ormonde has since said it would have been better.

2185. Was there any other person that dissented except Captain Butler?—Captain Butler, and Lord Ormonde, and Sir John Harvey and the High Sheriff were the four: the sentiments of the High Sheriff I do not know; Lord Ormonde was clearly of opinion that they should have been stopped in the first instance, and acted accordingly on the bridge, as before related.

2186. They did not take any violent measures to resist the crowd at that time?—Lord Ormonde took several of the large hats from them and threw them over the bridge.

2187. Were not you complaining of the conduct of Sir John Harvey?—No; I complain of no man's conduct; I should not have done as he did.

2188. Did not Sir John Harvey and a considerable number of other magistrates all agree that no steps should be taken?—I do not know what they agreed upon.

2189. If not, how can you venture to say that you could not agree with them?—I did not agree with them, and I am sure that Captain Butler did not; we would have prevented the mob from assembling.

2190. In

2190. In what did Captain Butler differ from the others?—In permitting them to go through the town; he thought it much better to prevent them.

2191. Did not Sir John Harvey and the other magistrates agree, with the exception of Captain Butler, in permitting them to go through the town?—I do not know that; I know that Sir John Harvey permitted them to go through the town, but as to the others, I do not know.

2192. Do you mean to say that you do not know the opinion of the magistrates upon the subject?—I know the opinion of Captain Butler; and I know in the first instance it was the opinion of Lord Ormonde to disperse them, but I cannot tell the opinion of the High Sheriff.

2193. Can you tell the Committee how many agreed upon that day to let the persons pass through on that day?—No, I cannot; I know the early opinion of Lord Ormonde was to prevent it.

2194. Supposing for a moment that Sir John Harvey did not think it right to prevent them from passing, do you think he was wrong in persevering in that resolution under the circumstances of the case?—I do.

2195. Why?—Because the subsequent conduct of the people has tended to convince me that it was a wrong measure.

2196. Could he be assured, before that conduct took place, what that conduct would be?—From the appearance of the mob, and every other appearance, he might have known it without prophecy.

2197. You think he formed a bad judgment?—He did not act as I should have done.

2198. It was an error of judgment?—I cannot know the cause.

2199. Have you any doubt he acted as an honest and good officer?—I have no doubt he acted as a good officer would do, according to the orders he received.

2200. Do you not think he acted as an honest officer?—I do not know what his instructions might have been; I do not know what orders he might have had.

2201. Do you believe he had any instructions?—I could not tell what I thought upon the subject.

2202. You have stated you were present when Catholic priests were at the head of some of those mobs?—I was.

2203. You have stated you did not distinctly hear what was said by one of those priests?—You may easily believe that, when I cannot distinctly hear your voice at this distance.

2204. You were present at the time you saw some priests at the head of some mobs?—I was.

2205. Did you at that time distinctly hear anything that was said?—I did not; I mentioned that before.

2206. How can you undertake to say, not having heard what those priests said, that they were not endeavouring to prevent those mobs from committing mischief?—I should think when an individual is deprived of the sense of hearing, a quicker sense of sight and intellect will be the result; and it is from that circumstance that my sight is quicker than it was, and my intellect, I trust, quicker too; and I am clearly of opinion they were exciting instead of preventing.

2207. What was it you saw that convinced you that the priests were heading the mob for mischief?—I saw them heading the mob, and I saw by their signs and signals they were accelerating their movements instead of repressing them.

2208. What were their movements?—I saw them winking and nodding at them, and apparently encouraging them.

2209. You think it perfectly possible they might be winking at them to disperse them?—I do not think that; indeed the whole demeanour was more like exciting; and they could, if they would, have dispersed them at the two bridges.

2210. Is there any other instance connected with their demeanour?—Yes; I think their whole appearance was hostile.

2211. You have told the Committee you saw one of those priests winking; did you see any other particular act done by those priests besides the winking, any particular act you can state?—I saw him flourish this way with his hand to the people to come (*swaying his hand*); I saw him do other things that made me think he was rather exciting than retarding them in their operations.

2212. What was the result of a meeting when the priest headed the mob in that way?—It ended in giving a consequence to the mobility, that induced a great number of others that would not to have joined them, and to give a solidity

Major-Gen.
Robert Crawford.
30 June 1832.

Maj.-Gen.
Robert Crawford.
20 June 1831.

and strength to their party, and give them a character, which in Ireland is every thing.

2213. Did you remain there the whole of that time?—Yes, I did, till they dispersed.

2214. Did you do anything to bring those priests to justice?—It was not my duty, it was the duty of the magistrates.

2215. Did you direct any steps to be taken, or have they ever been questioned?—I think in no instance have they been in the slightest degree called to account.

2216. If they were guilty of what you suppose, would you not consider it was your duty to the country to take some steps to punish these men?—I think not; they might not be punished though they should have been guilty of all the disturbance of the country.

2217. Why not punished?—It might not be politic to punish them.

2218. Was it then upon political ground you abstained?—No, by no means; I did not feel myself called upon; I was merely an officer on half-pay, not on duty, but willing to defend the town and assist the civil power.

2219. There were other magistrates there?—I was not a magistrate.

2220. There were magistrates there?—Yes; I have frequently said so.

2221. Who saw all that was passing as well as you did?—Not as well as I did; they were employed in other places.

2222. Did they see the priests heading the mob?—Yes, but they did not see all that was done by them as I did.

2223. You have stated, in 1798, in consequence of the peculiar position in which you were, as presiding at several courts-martial, you had an opportunity of judging of the character of the Catholic clergy, and from those opportunities you have formed the worst opinion of them?—Undoubtedly, I speak of that.

2224. Have you any grounds for considering the Catholic clergy of the present day to be similar in character to those you observed, admitting that what you state is correct, in 1798?—I was a member, not president of the courts-martial; I have a strong impression on my mind that they are exactly similar in point of principle to those of 1798; and I have had private information from people in whom I think I could confide, that their plans are to overturn the Protestant interests of this country, and to possess themselves of Protestant property, and raise their church upon the ruin of ours; and that is my firm impression.

2225. Have you any facts upon which those impressions are grounded?—I have mentioned that I received private information upon the subject, which I could not with any degree of honour or propriety divulge.

2226. Then the whole of these impressions are grounded upon private information?—No; they are grounded on the former circumstances, in addition to private information.

2227. What are the circumstances of their conduct to which you refer in speaking of the clergy of the present day?—From their great influence over their flocks, I am persuaded that no improper conduct could originate in their parish without their approbation.

2228. You think that every single crime committed by any Catholics in any parish in Ireland must solely be attributed to the influence that the parish priest has over them?—I am sure he knows every crime committed, from confession, and I am sure he could prevent it if it was his wish to do so.

2229. Do you believe he knows every crime before a person goes to confession?—How could that be possible? I am sure until after confession he could not know it; but from the general information he receives he will know of things going on in the parish.

2230. You admit by that, that many crimes may be committed of which the clergyman can have no knowledge until after they are committed?—I think there would be a doubt on my mind respecting that, because, from the general information he receives in the parish, he might know much of the criminality previously to its being carried into effect.

2231. Are there any facts of a distinct nature which have come under your own observation that justify you in entertaining those impressions?—I have mentioned already that much disturbance and murder has arisen in the country, that several people were fired at, and several acts of a most flagitious description were committed; and the impression upon my mind is, that they could not have been done without the concurrence of the priests; my impression may be erroneous, but I think it is not.

2232. Do

*Major-Gen.
Robert Crauford.*
25 June 1832.

2232. Do you think if those priests had not been present at the meetings you have described at Castlecomer, that the meeting would have been less or more turbulent than it was?—I think infinitely less; there would never have been an assemblage but through them.

2233. Do you think that the influence of the Catholic priests is increasing or decreasing in the country?—I am not sufficiently a judge to answer your question.

2234. You have stated that the influence of the Catholic clergy was very great; do you believe it to be as great now as it was in the year 1798?—I am of that opinion; I do think so; it may be an erroneous opinion.

2235. You are not of opinion that the Catholic clergy have lost any portion of the influence that they had over their flocks?—I have already mentioned that I was not competent to speak to that subject.

2236. From the general tenor of your evidence, it is pretty clear you have no great predilection for the Catholic clergy; and from this disposition and impression on your mind, might you not, under the circumstances you have alluded to, have misunderstood the flourish of the band you saw?—I do not think I could misunderstand it, and I do not think I misunderstand their character generally.

2237. You have stated that you believe there are other objects against which the peasantry are combined besides tithes; you did not state what those objects were; do you consider they are as much opposed to the payment of church cess as tithes?—Yes, equally opposed to that.

2238. Do you think that their opposition to both arises out of their hostility to the church to which those are paid, or merely to the tax itself?—I think it is to the church.

2239. Do you think if the demand was put upon the peasant in another form, for example, if it was put upon his rent in the nature of a rent-charge, do you think there would be as much opposition to that as the payment of tithe?—No; I am sure there would not be as great opposition.

2240. You think that a commutation might be made to which the farmers would not object?—I think there might.

2241. Do you think that the present combination against tithe is likely to extend to other objects?—Yes, I do; I think it will extend to rents very speedily, and every species of property.

2242. Do you not think that the present interference in the letting of farms and the management of property is the beginning of it?—Already they will not suffer any persons to hold lands, in the neighbourhood of Castlecomer, but with the approbation of the Whitefeet.

2243. Do you think that a transition to the non-payment of rent is very natural?—Yes; I think when one law is infringed on with impunity, other laws will necessarily be infringed.

2244. Do you think that the toleration of any aggression is a toleration and a bounty upon further aggression?—Yes, I think it excites to it.

2245. Do you think that the present combination will proceed, when it has disposed of one claim, to settle another?—I am satisfied of it.

2246. Do you think that the powers of the law which can now be brought to bear upon the present combination are sufficient to repress it?—No, not now; if they had been determinately acted on in the first instance, they would have been sufficient; but I think that they have gained a head that makes it impossible to do it now.

2247. And that very considerable additions must be made to the present laws before it can be got under?—I think the Insurrection Act, properly and determinately put into effect, would be attended with the best consequences.

2248. Do you know any means that would give to the law, as it now stands, the power that the Insurrection Act would give, without resorting to that exact form?—No, I do not see any mode of doing it.

2249. You have stated that with respect to the incumbent of Castlecomer, he was very charitable, and gave half his income to objects of benevolence?—I have reason to know it, and I believe he has done so for a great length of time.

2250. Then there could not be any dislike in this instance arising out of his personal conduct?—Not the least in the world.

2251. Do you think that is the general character of the Protestant clergy?—I think they are the most humane and benevolent set of men in the world.

2252. Do you not think that they are regarded as the organs of benevolence and charity, and that that is calculated to throw oil upon the water, and give efficacy

Major-Gen.
Robert Crawford.
20 June 1835.

to the law and prevent disturbance?—I think in every instance they have been most charitable and benevolent, without partiality to any description of people, and I think they have been the great means of quieting the disposition of the people.

2253. You think in no part the present spirit of disturbance is attributable to their misconduct personally?—Not to my knowledge, but the reverse.

2254. But that it is an opposition to tithe, as tithe, and not to the mode in which tithe has been exacted?—I think the opposition never would have been put into effect but from their being instigated to it; and I have said before that I think those who instigated them to it were decidedly the demagogues and the priests.

2255. What do you particularly mean by instigation; what do you say was the origin of it; was it the conduct of Dr. Doyle, or any other person?—He was the leading person, as his influence over his priests is unbounded.

2256. Are you acquainted with his publications?—Yes, I have read several of his publications.

2257. With reference to the part taken in them by Dr. Doyle, are you disposed to attribute it, in the first instance, to his publications, or to any movement in the chapel?—I think both. I think it is possible that his instructions, as well as his pastorals and his letters, have excited them. I think it is a general impression in all the country that he was the person exciting first to resistance of tithes.

2258. And you conceive that the exertion of that influence gave a great impulse to the popular feeling upon the subject of tithes?—I am sure of it in my own mind.

2259. They excited a general resistance to the payment of tithe?—Yes, undoubtedly.

2260. Is it your opinion that the peasantry, without such excitement, would not have formed themselves into the present combination?—I am satisfied of it.

2261. Do you think there is a disposition on the part of the local magistrates to consult the priests as to the manner in which they shall discharge their duties as magistrates?—Yes, I do think that; I think in many instances they have been sent for to consult with. On the 30th of January, at Castlecomer, the priest of the parish was sent for by the magistrates, that they might consult with him upon the situation of the town and neighbourhood; and I think in many instances the same thing has been done.

2262. Do you not think that an attempt on the part of the magistrates or the police officers to govern the people by the influence of the priests, is calculated to exalt the authority of the priests and to lower that of the magistrate?—I am certain that the Government did very unadvisedly in making them the means of communication to the Roman-catholic population of the sentiments of the Government of the country; that it gave them a consequence that they ought not to have held; that such people as Lord Killeen or his father, and Lord Kenmare and such other gentlemen, who are always loyal and well conducted, should have been the medium, and not the priests; and that making the priests the medium gave them a consequence they would not otherwise have obtained.

2263. You have spoken of the priests being at the head of the mobs, and that they were actually leading the mobs at that time; was there any doubt at all about it?—Not the least, in the town, nor among the Protestants generally of Castlecomer, though there is a doubt, it seems, in the minds of some of this Committee.

2264. Was there any doubt expressed by any one at the time?—Not the least under the sun; it was clear as noon-day.

2265. Did anybody at that time doubt that the priests could instantly have quashed this disturbance at the outset?—The people would not have assembled without their excitement; and they could have quashed it with as much ease as I lay down my hand; gentlemen here may not believe what I state, but I am perfectly persuaded of it.

2266. Do you conceive there is any similarity between the present combination which appears to have been entered into on the part of the disturbers, and other combinations during other disturbed periods in 1796 or 1798?—I think that the present combination is different to 1798 considerably.

2267. In what respect?—They were then a very mixed body; the commencement was with the Presbyterians; it extended to some of the Established Church, but very few, and when it came into the Roman-catholic country it was embraced by them very warmly; but the present combination is among the Roman-catholics,

and

and it seems to gain ascendancy in the country, and that the object is to gain the property of the Protestant possessors, and to make this an independent Catholic country; this is my impression.

2268. You have stated that the priests undertook to negotiate for the people; would they have done so if they had not felt that they had a power to direct the people and to answer for them?—I think they have a power over the people at all times, and that they can actuate them in what way they think proper.

2269. What was the object of the tumultuous meeting at Castlecomer in January last?—It was to get rid of the tithes.

2270. Was that the beginning of it?—Not altogether the commencement; they had assembled in two or three instances before; they had assembled at Loughlin Bridge and at Dr. Butler's, and at two or three other places, I believe; but the great assembly was at the two bridges.

2271. Did the priests appear, from the result of that meeting, to have obtained a considerably increased dominion over the people?—There is not the least doubt of it, from the proceedings of that day, that their influence over the country was paramount; in fact now, except in the garrison towns, they are the only legislators. The Whitefeet laws are enforced either by severe beatings or by attempts at assassination or murder, so that the common law has no effect whatever. Out of the garrison towns the whole of the country is under the influence of the mob; no gentleman can go out unarmed with safety.

2272. Under the influence of that description of persons you describe as having assembled at Castlecomer?—It originated from that mob. I think a general combination has taken place since that, and a more dangerous kind of conspiracy has originated.

2273. Of what sort?—I think that at that period the object was to get rid of the tithes. Since that their ulterior objects are to compel the Protestants to quit the country, and to get rid of the English connexion. I think the object is separation. I think these are the ulterior objects that they did not think of in the first instance.

2274. Do you think that their success upon the subject of tithes has encouraged them?—Yes, I am sure of it; and that was my impression at the time. I should rather have put down their apparent success, and not have allowed them to acquire a character.

2275. You have stated that Major Bryan, who is a Roman-catholic gentleman, and some Roman-catholic farmers, have been attacked?—I think both Major Bryan and some of the Roman-catholic farmers would be very willing that these things did not exist. Persons who have property are anxious to preserve it, and it is very natural; but I think the very general combinations of the priests' mobs are decidedly revolutionary.

2276. In the case of those Roman-catholic farmers who were attacked, did it arise from their having opposed this system of violence and intimidation?—I think that it might have originated from that; but I think it probably was not altogether their opposition to it, but from not joining cordially in it.

2277. From the time that Sir John Harvey came up to the meeting at Castlecomer, who appeared to take the principal direction?—Sir John Harvey.

2278. What effect was produced upon the minds of the Protestant inhabitants of Castlecomer and its vicinity by the steps taken by Sir John Harvey of permitting the priests and their mob to pass through the troops and the town without interruption?—Their impression was, as well as my own, that it was doing a very improper thing, and a thing that was likely to raise the mobility against the law, and tend to give them the character and consistence which they have actually since obtained, which would have been prevented if they had not marched into the town buzzing, as much as saying, we are superior to the laws of the land.

2279. Have the Protestants in that neighbourhood in any numbers emigrated since the time of that meeting?—A very great number, and many more are going, and those who cannot go are sorry they cannot.

2280. Then you think that the Protestants who remain in the country continue in the country because they cannot afford to pay their passage?—Not that exactly, but because they cannot dispose of their property. Many of them could pay their passage, but they cannot dispose of their property; for the landlords have said they shall not dispose of their farms, and there they must remain.

2281. Then are you of opinion that it requires an interference, such as you have

Major-Gen.
Rokeby Crawford.

20 June 1836.

Major-Gen.
Robert Crossford.

30 June 1832.

have described, to prevent them from emigrating?—Yes, certainly; it requires the interference of the landlord to prevent their emigrating.

2282. And you are of opinion that the desire of emigration has been caused by the state of apathy of the authorities, and the terror that the Protestants are under for the lives of themselves and their families?—I do not say that it is the apathy of the authorities.

2283. The question refers to the Government and the Government agents?—I am convinced it is the terror of their lives and the lives of their families, and that they are going abroad to have that protection they cannot obtain here.

2284. Are you aware that the Whitefeet are bound by an oath to each other?—I have heard so, and I believe so.

2285. Have you heard the nature of the oath?—Yes, I have, but I cannot say it is correct; it would be impossible to know, unless you have received better information than I have received. No one will be admitted of their party but Roman-catholics, and they will not give information.

2286. Are you aware that that oath contains a pointed hostility to the Protestants?—I have heard it.

2287. Do you know whether that description of persons called Whitefeet are armed or not?—I know that they are; I know that several of them have been taken with arms, and brought into Castlecomer in my presence.

2288. Have they shown any disposition to give up their arms?—Not the least; a single stand had not been given up when I left Castlecomer; and all the arms of the country are in their possession, except a few that the yeomanry possess, and one or two determined gentlemen, but all the rest are in the hands of the faction.

2289. What steps have been taken, if any, to punish those so taken in arms?—I do not know that any of them have been punished; I know several have been released.

2290. You seemed to show a disinclination to state whether you had heard that Sir John Harvey had instructions that might have interfered with the course which his own mind would have pointed out for him to pursue?—I know nothing of his private instructions; but I think if I had instructions from the Government of my country I would obey them. As a soldier, I consider myself under the direction of the executive, and, as a faithful soldier, I would obey the orders I received; therefore I can readily conceive that Sir John Harvey would do the same.

2291. Do you live in the parish of Castlecomer?—I have resided there occasionally since 1829; I have left it now; sometimes I have been in the county of Westmeath with my son-in-law.

2292. Were you in the country at the time the composition was made with the rector?—No, it was prior to my arrival in Castlecomer.

2293. At that time are you aware that the Roman-catholic inhabitants were so satisfied with the arrangement that they unanimously agreed to give him 50*l.* more?—I have heard it.

2294. Are there not a great many Protestant inhabitants?—There were; there are not now so many.

2295. Did they join in the combination?—Not at all; not one, I believe.

2296. You think it rests with the Catholic inhabitants?—Yes.

2297. Do you think that the Protestants are in sufficient numbers to resist this combination?—They offered to do so, and I came up with a proposal to the Government for that purpose, but they would not accept it; it might be from humane motives.

2298. What was the offer you made?—That about 400 men between Castlecomer, Coolcullen and the collieries, would take arms and assist in putting down the combination; that was the offer I made to Sir John Byng and Sir William Gosset, but finding this would not be acceded to, I gave in a written request that the old yeomanry might at least be armed.

2299. Was it an offer to be enrolled as special constables?—We would have taken the oath of allegiance, and have obeyed the laws.

2300. Are those Protestants the objects of attack?—Chiefly; those people that offered at that time became obnoxious by their loyal conduct, and they have become more marked than other people.

2301. Do the Protestants decline coming forward as witnesses to give information against the Whitefeet?—I think the Protestants have come forward in some instances

instances very nobly, and acted in securing offenders and delivering them over to justice.

2302. Is there a good understanding between the magistrates of that part of the country and the Roman-catholic priests?—I have never heard anything to the reverse.

2303. Have the Roman-catholics come forward as prosecutors?—I have never heard of an instance but one; I think there was but one instance intimated to me, but what the person's name was I do not remember; it was somewhere near Ballymaget, and he has been since persecuted.

2304. You have stated that there are a good many Protestants in this parish?—There were.

2305. You have stated that this indisposition to pay tithes originates from the Catholics?—Altogether.

2306. Are the Committee to understand that the Protestants in that district pay the tithes?—Many of them have done it privately; they could not do it publicly.

2307. The Protestants did not refuse to pay tithes?—I think not.

2308. You came to reside at Castlecomer in 1829?—Yes, I think so; indeed, I am sure of it.

2309. Have the goodness to state to the Committee how many months you have resided there since 1829?—Altogether perhaps 14 or 16 months.

2310. Then since 1829 you have only resided 16 months in that country?—Yes, for this reason, that I have a son-in-law in the county of Westmeath, and occasionally I go there; I have friends in the north of Ireland, and I occasionally go there.

2311. Then your knowledge of that district arises from a residence of 14 or 16 months?—It certainly arises only from that residence in the country, being there occasionally, but continually inquiring into the state of the country.

2312. Could you inform the Committee the general state of the peasantry of that country?—I think the general situation of the peasantry of the country is by no means, in the lower class, comfortable; it is chiefly by the collieries that they sustain themselves, and the collieries latterly have not been well worked, and some of them have been wrought out; so that the people have not the wages they formerly had there, and the comforts that they formerly enjoyed, and they are not a very comfortable race.

2313. Do you think that the condition of the peasantry there may be some ground of complaint, as well as any complaint against tithes?—Yes; I think the comforts of the peasantry are in general not great; but the lower order of Protestants have infinitely less than the Catholics, and for two reasons, which I shall state; one is, that a large proportion of the collieries belongs to an English gentleman, who got it from the present proprietor, Mr. Wandesford, or the late Lord Ormonde, or some other of the Ormonde family; and a Mr. Eyre has a colliery; the former English proprietor is a Roman-catholic, and the Roman-catholics are chiefly employed, and in Mr. Eyre's colliery a Protestant has never been employed; therefore the lower order of Protestants are infinitely worse off.

2314. Is not the great proportion of the peasantry in that district Roman-catholic?—There is a very strong sprinkling of Protestants in that country; in the whole country the Roman-catholics are much more numerous.

2315. The question referred to that neighbourhood?—Immediately about the collieries the population is, I think, nearly equally divided between Catholics and Protestants.

2316. When that proposition to enrol a body of individuals was made, was it a proposition that the body to be enrolled should be indiscriminately composed of Catholic and Protestants?—No, exclusively Protestants; because the Roman-catholics would not be enrolled.

2317. You proposed to the Government to enrol a body of Protestants and arm them, excluding the Catholics?—No, not excluding them; it was the Protestants that came forward; they did not exclude the Catholics.

2318. It was proposed to arm Protestants alone?—No; it was proposed to arm those who came in and took the oath of allegiance.

2319. Did the Catholics in any numbers decline to come in and take the oath of allegiance; were applications made to them?—Yes, I think so; I did not make the application; I do not think that they came in.

2320. You believe the application was made?—Yes; I do not know it, however.

2321. Do

Major-Gen.
Robert Crawford.
20 June 1830.

*Major-Gen.
Robert Crauford.*
20 June 1832.

2321. Do you know in what terms, and on what conditions the application was made?—No.

2322. You do not know what service this body was to be employed in?—Yes, I do; it was to keep the peace of the country against the Whitefeet and the disaffected, to assist the government of the country and the civil magistrates.

2323. You are not aware whether, in this proposition, it was set forth, that in assisting the magistrates they were to enforce the law for the payment of tithes as well as other objects?—No, we did not consider it in that point of view; we considered it to keep the peace of the country.

2324. But the manner in which the peace was to be kept, and the extent to which it was to be carried, was to be discretionary with the magistrates?—Yes, altogether; we were to be merely assisting the civil magistrates.

2325. Those individuals were to be completely at the discretion of the magistrates?—Certainly.

2326. Having resided only 14 or 16 months in that district, you cannot inform the Committee whether you are aware of any hardship having existed in consequence of ejecting tenantry from their holdings, or the dismissal of men from collieries?—I never heard an instance like that; I have heard that the greatest humanity was shown in every instance.

2327. And the colliers kept constantly at work?—No, I do not say that; I have mentioned already that there was a great falling off in the collieries.

2328. Then there has been suffering there, in consequence of the want of employment?—No doubt, but it has fallen chiefly upon the Protestant part; the Roman-catholics have generally been employed.

2329. Do you mean to convey to this Committee that the Roman-catholic priests are connected with, or encourage the Whitefeet and Blackfeet system?—I am quite certain of it, in my own mind.

2330. You are of opinion that Dr. Doyle is one of those?—I think he is one of the greatest enemies that the country has, except perhaps Daniel O'Connell.

2331. You think that Dr. Doyle encouraged the Blackfeet and Whitefeet in their marauding system?—I do not say he now encourages them; I am sure he did originally; any person who reads the whole of his letters will be convinced of that.

2332. Do you mean to convey to the Committee that the same persons who are combators against the payment of tithes are the persons who, under the name of Blackfeet and Whitefeet, have been disturbing the Queen's County?—It is possible there may be a different system; but I think in general principle, and in the description of people, they are the same.

2333. Have you ever known an instance in the colliery you have spoken of, of a man being refused work because he was a Protestant?—I have known that they have been refused work, and that no Protestant has been employed in one of them; there is not one, I believe, at present in Mr. Eyre's colliery, and few in the English Roman-catholic gentlemen's.

2334. Have they been refused, in your knowledge, because they were Protestants?—I have been told so, and I believe it; I know none of them are employed.

John Dillon, Esq., called in, and Examined.

John Dillon, Esq.

2335. YOU reside near Maryborough?—At present in the town of Maryborough.

2336. The state of Queen's County has become of late years very much disturbed?—Yes, extremely so.

2337. To what cause do you attribute this change?—The first combination I can trace in the county is a combination of the Ribbonmen, which I believe originated in the north, and which, in consequence of the party spirit that existed in Mount Mellick, and in some degree at Mounstrath, among the Orangemen, spread into the Queen's County.

2338. In what year?—I cannot trace it back to the precise period, but I have been told that some Ribbonmen were in the Queen's County shortly after the death of Mr. Duane, P.P., of Mounstrath.

2339. That is 20 years since?—Yes.

2340. Did the system become general at that time?—No; it did not become general then, it was very partial.

2341. When

2341. When did it become general throughout the country?—It became more general about the year 1823 and 1824; I mean the Ribbon system.

2342. But not in any degree extensively?—No.

2343. At present it is over the whole county?—Not the same system; I am speaking now of what the present system originated in. It became very general at the time of the party disturbances in Mount Mellick, and an attempt was made to induce the Orangemen in Mount Mellick to take down the flags which they had in the town, and that combination grew very extensive then.

2344. Did it subside again after that?—Yes; that was about 1825 or 1826; it is since that that the pole was taken down.

2345. It then subsided and re-appeared again?—It was then increased at the time that Captain Gordon and his troop of crusaders went about; it increased after his visit to the county certainly.

2346. Do you allude to the formation of Bible societies?—Yes; there were meetings held in the town of Maryborough, which tended to increase among the ignorant a feeling of hostility to the Orangemen; for they are not always able to distinguish between the tolerant and intolerant Protestants.

2347. Are all the Protestants called Orangemen?—No, they are not.

2348. Were the Protestants in Queen's County generally tolerant or intolerant?—I think they are pretty equally divided; there are many of each.

2349. Did that system go on increasing after that time, or was it interrupted in its progress?—As soon as the Orangemen in Mount Mellick were put down, about that period different poor people were ejected and put out of their holdings, and then a new feature was added to the Ribbon system. They then became Rockites; they are the same as the Shamrocks, and different other bodies under different denominations in the county, who endeavoured to procure a rise of wages, to prevent people being turned out of their holdings, and to lower the rents; they are now called Whitefeet.

2350. What class of people are they?—People of the poorest description.

2351. How do they carry on their plan of operations?—They increase their numbers by a system of terror; those that are not willing to join them they compel by force.

2352. Is there a considerable number of those who appear to be in the association that are not sincerely belonging to it?—Yes; many are there by force.

2353. What proportion should you say were forced to join against their will?—I think more than one-half are forced against their will; but when I say they are forced to join the Whitefeet, I think the greater number consider them, in some degree, a protection to themselves, that people, from dread, may be unwilling to take their holdings, or put them out of them.

2354. So that many look to the association for protection?—Yes; they think they have no other protection.

2355. Do you think it is probable that the association will cease?—The law must have some effect upon them, and, more or less, it must check them.

2356. Do you think that the convictions at the last commission will check them?—It may do it partially; but if they continue suffering under hardships, and they are certainly very great, Whitefootism will revive again.

2357. What are the hardships under which they are suffering?—High rent, want of employment, low wages, and tithes, they consider the greatest hardships; but it is not one of the objects of the Whitefeet to put down tithes.

2358. Are the high rents exacted by the landlords or the middle-men?—As to that, I think that either landlords or middle-men are inclined in general to bring their land to the best market; the middle-man appears to receive higher rents, but it is because the tenantry are lately driven from the large landowners upon him. The middle-men may be sometimes induced to take a higher rent than they ought, but the tenantry of middle-men, where they reside, are generally as well off as the tenants of the large landowner.

2359. But if land is sub-let, there must be a profit to the person who takes it in the first instance, derived from the man under him?—Yes, there must.

2360. What is the average of the rent usually paid in the county?—It varies from 14 s. to 50 s.

2361. Must not middle-men have some profit out of the land?—Yes; but at the same time I think a tenant going under a middle-man in 1830, if the same land was to be let by the owner of the fee, that he might exact as high a rent as the middle-

John Doherty, Esq.
 10 June 1832.

middle-man; the middleman has a profit, not because he is a middle-man, but because he took the land when the price was lower than at present.

2362. Are there many instances in which the persons taking under the owner of the fee get it at a less rent, or are they generally charged a higher rent than if they took under the tenant?—No, I do not recollect many instances of that kind; if it occurs in any case it occurs on the estate of Mr. Waffer. I think his lands are let at a less rate than if a middle-man had them, and they are let at a lower rate than any other holder in fee would let them for.

2363. What is the rate?—From 14 s. to 25 s.

2364. Does not the middle-man sometimes give an advantage to the tenant under him that the owner of the fee cannot give?—Yes; the small holders have an advantage often under the middle-men; they have the advantage of employment, not of the same nature as they would have under the owner of the fee, where they work so many hours a day, are obliged to be constant in their days of attendance and in their hours of attendance, whereas under the middle-man they can go and sow their own crop at the proper time, and they get potato ground and different other advantages that they cannot expect from the holders in fee.

2365. Have the Catholic farmers been attacked by the Whitefeet?—Yes, indiscriminately; more Roman-catholics have suffered than Protestants.

2366. In proportion to the number, is that your opinion?—I cannot answer that unless I can recollect their proportionate numbers; but there appears to me to be no distinction made between them.

2367. Were the attacks made upon the very low description of farmers holding small pieces of ground?—They were made upon every class.

2368. Were they made upon farmers holding 10 or 20 acres?—Not except they had taken land lately in the possession of another.

2369. The question refers to attacks for arms?—Every one was attacked that had arms, if they could get at them.

2370. They interfered with every person they thought fit about land?—Yes; they did not attack those that were armed and they thought would defend themselves.

2371. Have the Catholic farmers used any means to put down these outrages?—I think they have as much as possible, by reasoning with their men, and discouraging them as much as they could from joining illegal combinations.

2372. Have they formed any associations?—No. When I was leaving the county there was a requisition in progress to the High Sheriff, requesting him to call a meeting to consider the establishment of a local police of farmers.

2373. Had not the same plan been recommended by Dr. Doyle to the Catholic clergy?—Yes, I think so.

2374. Have you any Blackfeet in the county?—Yes.

2375. What is the distinction between Blackfeet and Whitefeet?—The Blackfeet and Whitefeet were united as one body to put down the Orangemen; after the Orangemen were put down the Blackfeet did not join the Whitefeet in their combination to raise wages and to lower the rent of land; but though they did not do it openly, yet I think they considered themselves protected by the Whitefeet in the possession of their land.

2376. Does there exist any feud between the Blackfeet and the Whitefeet?—Yes.

2377. Of what nature?—I believe it existed, because the Blackfeet did not join the Whitefeet.

2378. Then any one who refused to join the Whitefeet was called a Blackfoot?—Yes, if requested to join them.

2379. While the party of Blackfeet was strong they used to fight as factions?—Yes.

2380. What do you mean by putting down the Orangemen?—Putting down their processions, and the use of insulting language and demeanour.

2381. What was the nature of that flag or pole?—It was painted orange, and I believe had King William upon it; it was so very high I could not exactly say what was on the top of it.

2382. Was it constantly flying at Mount Mellick?—Yes, two of them. In my recollection there has been no procession at Mountrath; but from Mountrath the Orangemen went to Mount Mellick on their festival days, and also the county of Kildare.

2383. All this has ceased at Mount Mellick?—I believe it has entirely ceased.

2384. Are you acquainted with Mountrath?—Yes, I am; but not very well.

2385. What

2385. What is the price of land in the neighbourhood of Maryborough?—*John Dillon, Esq.*
I think about 25 s., excluding the town parks.
2386. Are the people charged very high for the con-acre?—They are charged
from 8 l. to 10 l. in general.
2387. By what class of persons is that paid?—I think there is a mistake in
England as to the con-acre; what they mean by con-acre is potato land measured
and given for one crop of potatoes; it is manured and ready to be sown.
2388. Manured at the expense of the landlord?—Yes; and it is sown, if in
drill, at the expense of the landlord.
2389. Does the landlord pay the county rate and cess?—Yes, certainly.
2390. He pays all the charges upon the land?—Yes.
2391. The person sowing the ground furnishing himself with the seed?—Yes,
and with the labour when the spade is used; but when it is sown in drills the
landlord generally gives the ploughs.
2392. What is the rate charged for the con-acre of oats?—It is very unusual
to set the con-acre in oats; but in that case it is generally 3 l. or 4 l.
2393. Do you attribute any of the disturbances in the neighbourhood of Mary-
borough to the great number of tradesmen there assembled in building the public
works which have been going on for some years past?—Yes; and I think the
Whitefeet system has been brought to maturity in a great measure by the strangers
employed there.
2394. Is the system of illicit distillation very general throughout the Queen's
County?—No; in distant parts of the county only, adjoining Tipperary.
2395. Is any great quantity of spirits brought into the county, and sold in what
are called shebeen-houses?—Very little.
2396. What is the description of persons in that county who sell spirits gene-
rally; are they the better class or the low class?—They are a class of persons
worth 100 l. or 200 l. in the towns; in the country they are a very low class
certainly.
2397. When persons apply to obtain a licence, do the magistrates strictly inves-
tigate the character of the persons, and know them to be proper persons, before
they grant licences, or do they grant licences as a matter of favour, to enable them
to make money?—I believe in some instances it is a matter of favour; I have seen
many cases of persons refused licences. I have seen them appeal to the assistant-
barrister and the licence refused.
2398. In your own knowledge of the country, have you known many persons
allowed to take out licences you thought improper persons to hold them?—Yes.
2399. In your opinion, have the magistrates exercised sufficient vigilance in that
respect?—I think not.
2400. Have you ever heard, or do you believe, that a great many of these
illegal combinations were got up and carried on in licensed public-houses?—
I think almost exclusively; sometimes in licensed public-houses, and sometimes
in shebeen-houses.
2401. Do you believe that a practice exists in the county of persons of bad
character taking out a licence on a fair-day from the gauger, and selling spirits
in a tent where all the bad characters assemble?—In that part of the country
I live in tents are used only at the fair of Dysart, and I believe they are generally
publicans from the adjoining towns; but I know there has been a practice to pay
the gauger for a licence for a particular day.
2402. Any person going to a public-house, and purchasing a few gallons of
whiskey may obtain a licence from the gauger, and pitch a tent and collect toge-
ther all the bad characters of the county?—That may be done; and I have known
it to be the case.
2403. When have you known it?—Four or five years ago; and it may still
exist, but not to my knowledge.
2404. Have you ever been able to trace a crime, the origin of which took place
in one of those public-houses?—I have known public-houses to be quite notorious
for sheltering and giving drink to very bad characters, and retain their licences.
I applied two or three years in succession to Mr. Wray, who has a good deal of
influence with the magistrates, to suppress a particular house that had no licence.
I believe I applied three times, and it is now only nominally suppressed.
2405. Do you know that the police are prohibited by their regulations from
investigating into the conduct of those who sell without licence, and that they
have

Johs Dillon, Esq.
 20 June 1832.

have no power to summon them?—I know the contrary to be the fact. I have seen them summoned by the police.

2406. Have you known convictions to take place under those summonses?—Yes, I have seen convictions.

2407. Do you know whether it occurs in Ireland that publicans rather seek to make their houses points of assemblage for political and other purposes by way of increasing their sale of liquor?—I believe it, and I know some of them do so.

2408. They have rather encouraged political assemblies for that purpose?—Yes, I have thought a few of them did so.

2409. Have any steps been taken to deprive such an individual of his licence under those circumstances, or where a man has been warned?—The police are sometimes examined to prove that a man has kept a disorderly house; but I cannot remember any houses being suppressed.

2410. Is it considered an objection to a man continuing to hold his licence that political meetings are frequently assembled in his house?—The magistrates cannot say whether it is a political meeting or not, unless information be given. They stay there till a late hour, and it is known that persons under bad repute go there and continue until late; but they cannot always prove their object.

2411. The difficulty consists in ascertaining the nature of the meetings?—No, I do not think there is any difficulty if they choose to make a little more exertion. They are allowed to refuse a licence if there are informations sworn before them of riotous conduct in the house.

2412. It is not confined to riotous conduct, but assemblages in a public-house, which are injurious or subversive in their system to the public peace, are considered a legitimate ground to withhold a licence?—I now recollect a licence taken from a publican in Maryborough, and the police were examined to prove that Whitefeet from the country were in the habit of assembling there.

2413. Have you known many instances of misery occurring to the peasantry from being ejected from estates?—Yes.

2414. Can you state any instances of great hardship or oppression that have occurred within your knowledge?—Yes; very near the town of Maryborough, I have known an entire Catholic tenantry to be turned off, and the gentleman to supply himself with an exclusive Protestant tenantry, and to let them have the land for 10 s. an acre less than he charged the Catholic tenantry.

2415. Do you know that of your own knowledge?—Yes.

2416. How long ago is it?—Four years ago.

2417. Have you known cases of Catholics being turned off where they paid their rents?—How they stood with the landlord I do not know; but I know the men appeared to be able and willing to pay rent, and one of them came to me to look for a farm, and he was so well recommended by the parish priest, I offered him a farm, but it did not suit him.

2418. Was it reputed in the neighbourhood that they were put off for non-payment of rent?—That I cannot say; but if they had got it at the lower rent which was charged to the others, they would have lived very comfortably upon it.

2419. Were many turned off?—I think 20 farmers.

2420. What became of them?—Some of them went to America, and others got holdings elsewhere.

2421. Were they cottiers or farmers?—They were farmers, holding from five to 20 acres.

2422. Was their general character good, or had any crime been committed upon the property?—It was before much disturbance in the county; the first disturbances that occurred, occurred in that neighbourhood.

2423. In what year was it?—In 1828, I think.

2424. Were attacks made upon the houses of those persons who took the lands upon these ejectments?—There might have been some partial attack, but not successfully; the landlord built stone walls and put slate roofs to their houses.

2425. Was it a noble lord or a commoner?—A commoner.

2426. You have stated that many persons have joined these associations of Whitefeet, from an idea that by so doing they may prevent themselves from being subject to these ejectments?—Yes.

2427. Therefore the conclusion that the Committee draw from your statement is, that many people submit to this association and join it, conceiving that by so doing they are enabled to keep their holdings, and prevent their landlords ejecting them?—Yes.

2428. You

2428. You have alluded to a local police of farmers; what was the principle and what was the plan upon which that police of farmers were to proceed, or mean to proceed in case they persevere in their resolutions?—It was in contemplation to divide each barony into its town-lands, and ascertain the number of the fathers of families on each town-land, to undertake for the peace of that town-land, and occasionally patrol it; but whether armed or unarmed had not been decided.

2429. Were they to act under any authority, and what authority?—The system was not completely arranged, but it was understood they should communicate with the Castle at Dublin, and of course be under the control of some magistrate in the neighbourhood.

2430. Do you mean to inform the Committee that all the respectable farmers having from 15 to 50 acres of ground were ready to come forward indiscriminately to join in that object?—Persons of that description had not been applied to, except in one quarter, where Mr. Cassidy lives, and I heard him state that farmers of that description were willing to join it; in my neighbourhood the farmers of 50 or 100 acres were ready to come forward, at least they signed the requisition.

2431. Do you think that such an institution being set on foot, and acting in this manner, would contribute to pacify the country?—I had my doubts about it, and therefore did not sign the requisition.

2432. Did you approve of it?—Yes, I would, if I thought it would pacify the country, but having my doubts, I did not sign it.

2433. What were your doubts?—I did conceive it might, unless their grievances were redressed, be the source of future feuds among the people; that if the people of one town-land apprehended people on another town-land, it might be the cause of future factions.

2434. You have spoken of the rent of land; you are of course intimately acquainted with the Queen's County, living in the middle of it; can you inform the Committee the rent received by the landed proprietor in fee, and what you conceive a fair price?—The holder in fee may average 25 s. over the county.

2435. Do you think that a high rent for the land?—There is some of the land in the neighbourhood of Stradbally and other places let a good deal higher, I believe 35 s. or 40 s.

2436. Do you think there is any land in the neighbourhood of Stradbally worth 40 s. an Irish acre, which is about 23 s. the English acre?—Yes, there is; but I think many farmers pay too much.

2437. Are you not of opinion that the expenses of the gaol and other buildings in Maryborough have contributed to increase the cess very much upon that county, and to dissatisfy, of course, the farming interest in it?—Yes; these are included in the grand jury cesses; so much so, that the farmers were obliged to form a committee or club in order to traverse excessive presentments whenever they appeared; and they have succeeded in some degree in lessening the county cess.

2438. The expenses of those buildings, in addition to the many bad characters that those buildings brought into the neighbourhood, have contributed to injure the peace and quiet of the country?—Yes, in some small degree.

2439. About what time, according to your recollection, did the Queen's County become disturbed?—I think about three years ago.

2440. How long subsequent to those events you have been mentioning, the turning off of the Catholic tenantry, did the disturbances commence in that part of the country?—There have been occasionally "turnings off" for many years, but in the centre of the county the disturbances commenced immediately after.

2441. To what do you attribute the disturbances in Queen's County in the year 1829, about which time it seems to have began?—To the uncertainty of the poor people's tenure, occasional ejections, their paying too high a rent, and their consequent poverty.

2442. There was a great deal of poverty?—Yes.

2443. To what is that poverty of the tenantry attributable; what are the wages?—The wages in the county generally are 8 d. a day in winter, and 10 d. in summer.

2444. Do you conceive that to be too low, or reasonable wages?—The wages would not be too low at the present rate of provisions, if the employment was more constant.

2445. Can you form an opinion what portion of the year is unemployed among the

John Dillon, Esq.

20 June 1832.

the labouring people generally?—I think perhaps some one member of the family may have employment five days out of each week in the year, but there will be other members or the family unemployed; there is seldom constant employment for the entire family.

2446. Are you able to form an opinion of the whole year, how much time would be unoccupied?—I think at least half of it, taking the members of the family altogether.

2447. Do you consider that the persons concerned in the outrages are generally persons out of work?—They are not always persons out of work.

2448. In many instances are they not persons who may have employment throughout the year if they choose?—Yes, they are, in many instances.

2449. You have stated that these disturbances originated from a political and religious feud at first?—Yes.

2450. Is this 30 years ago?—Yes.

2451. That was to attack certain Orangemen in different parts of the county; at that time was the question of tithes agitated?—Not publicly.

2452. Was there any intention at that time of attacking landlords, or lowering rents, or raising wages?—There might, but not any combination to any extent.

2453. These men were called Ribbonmen?—Yes.

2454. It was after this period that the Shanabests came in from other counties?—Yes.

2455. What county did they come in from?—From Tipperary and Kilkenny.

2456. They were not known in the Queen's County before that period?—No.

2457. What was the object of the Shanabests?—The same as the Whitefeet.

2458. Were there many of them?—No, they were extremely few; they could not attempt any public outrage.

2459. Has this party of the Shanabests increased?—Yes.

2460. Can you state the proportion of the two periods?—I have heard that about seven or eight years ago, in the district from Maryborough to Stradbally and Mount Mellick, there were not more than eight or ten, and at the present time there are from 800 to 1,000 in that district.

2461. You consider the Whitefeet synonymous with the Shanabests of the counties of Tipperary and Kilkenny and King's County?—Yes.

2462. They all make a body similar to the Blackfeet?—Similar, in being secretly combined.

2463. For a long period were not the Whitefeet inferior to the Blackfeet in point of numbers?—They have assumed the name of Whitefeet; they have not been inferior.

2464. Do you suppose that any sort of encouragement is given by the magistrates or any persons of superior rank in the county to any of these factions?—Yes.

2465. To which faction do you suppose the magistrates first leaned?—It is the impression in the county that they did and do protect to a certain degree the Blackfeet.

2466. On what ground?—Under the impression that while they quarrel with each other they would not make any impression upon property.

2467. They consider them in no other light than the ordinary factions, occupied in quarrelling amongst themselves without committing any depredation upon property?—Yes, at first that was the impression.

2468. And that the magistrates connived at it?—That they afforded protection to the Blackfeet; that they did not to the Whitefeet.

2469. Were the Blackfeet employed on any occasion as informers against the Whitefeet?—I never knew them employed in public as informers, they might in private.

2470. Is not that the feeling among the Whitefeet in the county?—Yes; the Whitefeet believe that the Blackfeet are informers.

2471. Have the Blackfeet restricted themselves to a political object, or have they joined the Whitefeet in attacking property?—Not as a body; but many of them are now joining; the Whitefeet have separated from the Blackfeet.

2472. You cannot at present distinguish between Blackfeet and Whitefeet, except in name, their conduct is nearly the same?—The Blackfeet, as a body, have made no aggression, to my knowledge, upon property; but, as individuals, each member of the Blackfeet is satisfied that some good, some safety, will result to him from the operations of the Whitefeet.

2473. You state that the question of tithes has had nothing to say to these disturbances

turbances at an early period; do you conceive that the late discussions upon tithes and the conduct of the peasantry has had any great influence in increasing the attacks upon property?—I am certain of the contrary.

2474. Do you conceive that the agitation in the Queen's County has had that tendency?—No, I think the contrary; it is my impression, and those in the same situation with me, that if it had not been for the agitation that has continued some years, these disturbances would have broken out earlier. The same causes existed previous to 1828; there were many holders of small farms turned off; but there was a conviction on the people's minds that they would obtain some more comfortable mode of life, which suppressed the tendency to outrage.

2475. Do you apprehend that the agitation that has existed in the Queen's County, either in the form of election contests, or Catholic agitation, or clubs, has had any tendency whatever to produce the present disturbances in the county?—No, I do not; there was a general report all over the county that a house in the neighbourhood of Stradbally, belonging to Mr. Coe, was burnt in consequence of his voting against Mr. Kelly; the fact is, that Mr. Coe did not vote against him; he did not vote at all; and I am quite sure that was not the reason why the house was burnt.

2476. Do you think it was burnt under that impression?—No.

2477. Do you conceive that the organization of clubs, either county clubs or clubs in the different parishes, has had any effect in producing these disturbances?—No.

2478. State the grounds of your opinion.—The people were more quiet, though suffering much, during the agitation. I have often remonstrated with them since, and they have said, "You have promised something to the poor; we have got nothing; we are as wretched as ever."

2479. Do you think there is a disappointment in consequence of no immediate benefit following from Catholic emancipation?—Yes; I am satisfied they expected an increase of comfort.

2480. Do you think that this organization which exists in Queen's County is carried on under any general system, under any organized leaders, or is merely an ebullition of different portions of the country resisting their grievances?—I think it is the ebullition of different portions of the county on account of local grievances; there is no general organization in the county; the oath taken in one part of the county frequently differs from that taken in the other parts of it.

2481. Are there oaths taken by the Whitesect and Blacksect?—I have heard that the Blacksect solemnly avow in the presence of God, and the Whitesect swear.

2482. Are you aware of the oath in which they declare they will not obey their priests?—I believe, as far I am capable of judging, it is not part of their oath.

2483. Is it not thought to be so in Queen's County?—I never heard it.

2484. Are they notorious for their deference to the wishes of their clergy?—Their clergy have not been able to restrain them.

2485. You would think them not obedient to their clergy?—Not politically.

2486. Are you of opinion that any portion of these disturbances has been caused by ejectments of late?—Yes.

2487. Can you instance any other case than the one you gave just now?—In the village of Timahoe there are only now two or three houses standing; and it was once rather a populous village. At the Rock of Dunamore, near Stradbally, I think there were 15 holdings there, and there is but one holding now.

2488. Can you recollect any other part of the county where those ejectments have taken place in any numbers?—I do not immediately recollect them; but every day we heard of them in the county.

2489. And those parts of the county are generally more disturbed?—Yes; and I may mention here that the only informer produced at the last assizes was a man of the name of Dempsey; he came from Clonaslee, and he had been sworn in at Stradbally, a distance of 15 miles.

2490. When they are turned off where do they go?—They endeavour to get into cabins in the neighbourhood of towns, and look for chance employment.

2491. Do you suppose the emigration from the county to be any way commensurate with the numbers turned off the lands?—The description of persons that generally go to America are those that can get together 10*l.* or 15*l.*

John Dillon, Esq.

10 Jan. 1832.

2492. The

John Dillon, Esq.
30 June 1835.

2492. The poorer tenants ejected are not the persons that emigrate?—No, it is out of their power.

2493. A large number of those remain in the country?—Yes.

2494. Do you not suppose that a large number of those persons are inclined, and actually do join the Whitefeet and Blackfeet?—Yes, they do.

2495. Can you suggest any other cause besides ejectments producing the results you have described?—Yes; one of the first in the county, during the period we were agitating for emancipation, was turning out a number of people for not allowing their children to go to a Kildare-street school.

2496. Where did that occur?—In the neighbourhood of Stradbally, at Ballykilcavin.

2497. What is the feeling as to Sir Edward Welch in the county; is he considered illiberal, or as having acted unjustly towards the people?—At that period such was the impression; but at this moment he is considered a good employer and a good landlord.

2498. The people in his employment are of the Catholic persuasion?—Yes; that cannot be avoided.

2499. Can you state the circumstances that attended this occurrence at Ballykilcavin?—Yes; the priest of Stradbally forbade the parents allowing their children to go to this school, and in consequence of that their fathers and brothers were turned out of employment, and they were told by the present Sir Edward Johnston that he would not employ them any more; and a subscription was made in the county, which very much annoyed that family, to support those people while out of employment.

2500. Did not that circumstance produce a strong feeling of discontent among all classes, particularly the lower?—Yes, it did decidedly; and if we had not protected those men they might have been in want for the remainder of their lives: we gave them what was necessary for six months.

2501. Do you think that such a circumstance tends to excite religious animosity, and increase the disturbances that at present exist?—Yes; particularly so at that period, when a stronger religious feeling existed than now.

2502. At what period did it occur?—It was previous to the Emancipation Act.

2503. Have the people in the county, generally speaking, confidence in the administration of public justice, whether exercised by magistrates or the judges of the land?—Decidedly not.

2504. On what ground do they feel a distrust?—I allude to the last commission and the previous assizes; the Catholics of the country felt they were insulted publicly, by the manner in which they were treated as jurors.

2505. How were they treated?—At the assizes, previous to the commission, there was a very numerous panel returned, including of course the usual proportion of Roman-catholics; by the change in the Whiteboy Act, the punishment was commuted from the capital to a transportable felony: the counsel for the prisoners contended that the prisoners had the right of challenge that existed when the prisoner was formerly arraigned under the Whiteboy Act. This was denied by the presiding judge, inasmuch as the punishment of death was taken away; but although the right of challenge was denied to the prisoner upon the trial, yet the counsel for the Crown, in almost every instance, set aside every Catholic juror as he came to the book; and I do not recollect a Catholic serving upon the jury at that assizes, except where a prisoner, being capitally arraigned, had a right of peremptory challenge; and if the Crown had set aside the Catholics as they had before, the panel would have been exhausted, and by that means, upon one or two trials, there was a Catholic upon the jury.

2506. There are no Catholics generally upon the grand jury, and very few upon the petty juries of the county?—Hitherto the Catholics were indiscriminately allowed upon the petty juries; but at the last assizes they were not. At the late commission, where I remained nearly the whole of the time, the Crown counsel were relieved from the disagreeable necessity of challenging the Catholics; it was not necessary for the Crown to set them aside, for the number of Protestants at the head of the panel was so great, that they were sure of having a constant Protestant jury.

2507. You think this circumstance has contributed to increase the distrust of the people in the administration of justice?—Yes.

2508. And consequently that the commission cannot be attended with the beneficial

beneficial effect it would be under other circumstances?—It cannot; it has decreased the confidence that the people had in the Government. *John Dillon, Esq.*

2509. The cause of dissatisfaction that has grown out of the alteration is this, that the counsel for the Crown now continue to avail themselves of the Crown's right to set aside the jurors, but the prisoner is deprived of the right he formerly had?—Yes.

2510. Do you extend the observations you have made, of the distaste of the people to the administration of justice, to the magistrates of the county?—Yes.

2511. Can you give any instances in which you saw that feeling evinced, or where you thought it justified?—I will mention one name, now it strikes me: there is in the commission of the peace a Mr. Wray, I think he was in the commission at the last assizes; he was chief constable of police, and certainly the people did not think it fair or equitable that he should stand by the Crown solicitor, and suggest the setting aside of each Catholic that came to the book.

2512. You have stated that the magistrates have connived, to a certain degree, at the outset of these disturbances; do you think that any portion of the magistrates of the county feel any sort of interest in the continuance of these disturbances?—I can state nothing positively. I can give the general impression of the county, and it is this; that some of the magistrates, and a great portion of the local authorities, would rather have the country appear in such a state as to compel the present Administration to bear the odium of introducing the Insurrection Act.

2513. Do you mean that is the feeling of all classes, or any particular class?—I mean all classes of farmers and shopkeepers.

2514. Are the people much in the habit of reading newspapers in the Queen's County?—Yes.

2515. Do you conceive that the publication of newspapers on the popular side is injurious, or tends to increase the disturbances?—It tends to decrease them, and it is beneficial. I know two or three districts in which the poorer part of the peasantry club their money together to purchase a paper, and I know that in the neighbourhood where those papers are read they are more enlightened, and they perceive that they have some mode of redress besides that of brute force.

2516. Do you find that where those papers circulate the disturbances are not so considerable nor so atrocious as in other parts of the country where a greater degree of ignorance exists?—Yes, I do.

2517. Do you recollect a great county meeting being called in the Queen's County previously to emancipation, and can you recollect how many county gentlemen attended?—We have had so many meetings, I cannot tell which you mean; we had two meetings each year.

2518. Do you recollect that the gentlemen of the county were in the habit of attending these meetings; the Protestant gentlemen?—No, they were not, which is one great cause of the want of confidence in them.

2519. There is one strong line of demarcation existing between the upper and lower classes in Queen's County?—Yes, and one that is kept up to the present day.

2520. Do you not conclude from that that the slightest degree of grievance is calculated to excite the lower class against the upper, and to direct their efforts against property and persons under those circumstances?—Yes, I do. I think when they find the upper classes unwilling to mingle with them that it decreases their confidence, and they naturally conclude that the upper classes do not wish to see their grievances redressed. I know but one or two of the grand jurors of the county that ever attended the county meetings.

2521. What remedies would you recommend to quiet the disturbances in the county?—If a remedy were effectual, it should relieve the poverty at present existing. You may put them down by the strength of the law, but that would not be effectual; if the same poverty exists it will break out again; this House cannot interfere with rents, but it may interfere with tithes.

2522. Do you think that would be sufficient?—I think the reduction of rent would be very likely to follow.

2523. Would you at this moment, as a means to stop the evil of more immediate application than that, recommend the introduction of the Insurrection Act?—I think the law at present is strong enough, if carried into effect.

2524. Do you think a succession of commissions, or a continuation of them, would be useful?—There is no occasion for that; the assizes are near at hand;

John Dillon, Esq.
30 June 1832.

and if future commissions be conducted as the last was, it will diminish the confidence of the people, and consequently increase the tendency to outrage.

2525. You think the remedy must go deeper, and affect their political condition before much peace can be effected in Queen's County?—I think no application of force or law will positively restore peace to the country, unless they are relieved from their poverty.

2526. And you cannot mention any other modes of relieving that poverty except the abolition of tithes?—Not that I am at present willing to suggest.

2527. Suppose you were invested with the power of effecting what you might think proper to put an end to the present state of suffering in the Queen's County, what would you do?—I would abolish tithes in the first instance, and all excessive taxation; and even this, I think, would not be ultimately successful while so much property is spent out of the country.

2528. Do you mean to tell the Committee that you see no remedy for the present state of things, and that these disturbances must continue till a provision be made for the relief of the poverty of the country?—I think they may be checked by the law as it exists, but the country will be liable to another scene of outrage if no measures for the relief of the poor be adopted.

2529. You think the present state of things will be checked by the operation of law and the activity of the Government, but that the country will be liable to a repetition of those outrages unless means are adopted to better the condition of the people?—I think the present disturbances may be checked by the laws at present existing, but whether they will, I cannot say; it depends upon the manner in which they will be exercised by the local authorities.

2530. Do you think that the local authorities are willing to exercise their powers to stop these outrages?—The greater part of the magistrates are anxious to protect their property from future outrage; but I have hitherto seen men of bad character going about the country.

2531. Do you mean to say you have seen men go about the country that the magistrates could have removed?—I believe they could have punished them.

2532. Do you not think if the Reform Bill is settled, if an amendment in the grand jury system is introduced, if the question of tithes is satisfactorily settled, and the question of church cess is also settled, that the people then will have no cause of complaint, and that there will be a greater disposition on the part of the local authorities of the country, the farmers and the priests, to preserve its peace and quiet?—Yes, I think there would; but all those things will not insure to the poor man a lease of his holding at a moderate rent.

2533. Although all those laws are amended, and these measures pass, you think that the poor man would not be relieved, because he would be liable to be turned out, without any provision, by a harsh landlord?—Certainly, not effectually.

2534. You would recommend a measure to prevent landlords turning out men in this manner, and provide a provision for the poor?—Yes; if there was a provision for the infirm, and those not able to work, it would be a great improvement.

2535. If those amendments will not serve to quiet the country, tell the Committee what would?—I think they would tend considerably to preserve quiet.

2536. Do you remember a large meeting at Maryborough two years previously to the passing of the Emancipation Bill, held in the chapel at Maryborough?—I recollect all the meetings held at that period.

2537. Do you recollect Mr. Dunn being in the chair?—Yes.

2538. Do you recollect how many of the gentlemen of the county attended?—Not one, if you mean the grand jurors.

2539. Do you think that the plan of turning small farmers out of possession, to create large farms, has any tendency to promote disturbance?—Yes, it is one of the chief causes. I think small tenants are able to pay a higher rent, and yet live comfortably, than large tenants, because their own labour is thrown upon the land. I think the holders of 10 or 15 acres, if they got the land at the same rate that it would be granted at in a large farm, could pay the rent easily and better, and live comfortably, for though they had not much capital, yet their labour would serve them as capital.

2540. It requires less capital to occupy a small farm than to stock a large farm?—Yes, decidedly less; and if they had not capital equal in the proportion of their holdings to the large farmer, their labour would be capital for them.

2541. Do you conceive, upon the late commissions, that if the Catholics and Protestants

Protestants had been put in the usual manner upon the panel, that justice would have been as effectually done as by Protestants, and with increased satisfaction to the public?—Yes, I do.

2542. You think the dissatisfaction arose from the conduct of the officer in putting the Protestants upon the juries?—Yes; in putting Protestants exclusively.

2543. You have stated, that tithe and church-cess are the great causes of disturbance?—Yes.

2544. Do the people complain much of the expenditure by the grand juries; do they think they get their fair share of the money laid out by the county?—No, they do not; and in their own defence they were obliged to form a farmer's club, each member contributing towards the expense of traversing presentments, in proportion to the land he held.

2545. You think the grand jury system, as at present carried on, is a positive evil to the country?—Yes; I know that many landlords set their lands too high, and give their tenants jobs, in order to enable them to pay the rent.

2546. Do you think money granted by grand juries is laid out in the honest and conscientious way that private individuals spend their money?—No; and as an instance, I would state, that at the last road sessions I attended at Maryborough, it was proved that the man getting the presentment for a certain road was in the habit of earning the money upon that road, by drawing the gravel a mile and a half, when he had the gravel upon the spot.

2547. Do you think that the grand jury system would be corrected by it being representative?—Yes, I do; I think that is the only remedy.

2548. What is the feeling of the popular party in Ireland towards the present Government?—They do not think them sincerely desirous of benefiting Ireland; that they are willing to sacrifice Ireland a little longer to England.

2549. Have you had any opportunity of judging of the degree of concert there is between the party you call the Government, and the magistrates of the county?—I certainly think in our county there is very little; I think there is a high Tory feeling among a good part of the magistrates of the county; and I would give as an instance of it, that I think the magistrates of the county, though they might have found fault with Lord Plunket for the fees demanded on the late renewal of their commissions, yet if they had been sincerely desirous of the peace of the county, they should not, for the sake of putting down fees, have abandoned their duty, and left the county without a magistrate.

2550. Is it your opinion, that in the refusal to pay those fees, any political feeling entered?—Yes, I do think political feeling entered into it, because Lord Plunket was a Whig.

John Dillon, Esq.
20 June 1832.

Veneris, 22^a die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

John Dillon, Esq., called in; and further Examined.

John Dillon, Esq.
20 June 1832.

2551. FROM your being very conversant with the county, you can tell the Committee how you conceive the estates to be generally managed in your neighbourhood, well or ill?—I think latterly there is an improvement in the arrangement of estates, and that the agents have found it necessary to represent to their employers the necessity of some reduction; and latterly there has been a reduction, but not of such a nature as to induce the tenantry to be improving; they are generally continued under the old leases, with a nominal abatement, and the landlords can resume the old payment at any time.

2552. You think that operates to prevent improvement?—I do.

2553. Do you know whether anything takes place between the agent and the tenants that make an abatement afterwards necessary?—I believe it is usual all over Ireland for the agent to expect from 100 *l.* to 150 *l.* before the lease is signed, according to the size of the farm.

2554. Is that with the privity of the landlords?—I cannot say; but it is so usual, the landlords, I consider, must be aware of it.

John Dillon, Esq.

22 June 1836.

2555. Do you think it is universal, as far as your knowledge goes?—Yes, it is; there are agents that do not, but they are a small number.

2556. Is it applicable to small farms, or between 20 and 30 acres?—It is generally applicable. I have known one instance where the agent drew the leases, and he received his gratuity in this way; he charged so much for filling up the lease: he got the permission of an attorney to use his name as a conveyancer; there is a penalty upon any person acting as a conveyancer without a licence, and he got permission to use the name of an attorney; and he drew the leases, and charged from one to five guineas above the amount of the stamps; they were very small holdings.

2557. Would an attorney have charged less?—Yes, he would fill up a lease for a pound, and be glad to get it.

2558. Is the Committee to understand there is a subterfuge of that sort resorted to, to enable the agent to get it, or is it done without any such contrivance?—It is generally understood that the tenant shall say nothing about it; in this case it was done openly.

2559. Do you not think that it tends very much to injure the landlord as well as the tenant, by taking away a portion of the capital he might otherwise employ?—It lessens the capital of the tenant, and must injure the landlord consequently.

2560. Is not the want of capital the source of great evil in Ireland?—Yes, both among the small and large farmers.

2561. But particularly among the small farmers?—Among the farmers I should say of 100 or 200 acres.

2562. Are you aware that agents are in the habit of taking bills from tenants and charging discount?—Yes, I am.

2563. An extravagant discount?—No, not extravagant; 6 per cent.

2564. What is the system in those cases?—When a tenant is called upon for his half-year's rent, some agents will take a bill at three months, payable in Dublin.

2565. Are you aware that those agents credit their employers when the bill is due, and not at the time they discount it?—I have not been able to ascertain that; I suppose that they credit them when the bill is due.

2566. You said you traced back the disturbances in the Queen's County to a very remote period, the period of taking down the Orange insignia upon Mount Mellick?—Yes.

2567. When the disturbances became more active, when was it?—They commenced in 1828 to be more active, 1829 and 1830, and have continued since.

2568. Were there some meetings held at Maryborough in 1830?—Yes; I do not remember the year, for eight years, that there have not been one or more public county meetings and some parish meetings. I was secretary to the county for six years, and I think there were two meetings each year during that period.

2569. How do you mean secretary?—I acted as secretary for the meetings during that period.

2570. For what purpose were those meetings held?—To petition for emancipation.

2571. That was from 1828?—From 1823 up to the time of granting emancipation.

2572. But since the Relief Bill has passed, what has been the avowed object of those meetings?—There has been a county meeting for reform, and one for a repeal of the Union.

2573. When was the first of those meetings held, subsequent to 1829?—There was not an interval of many months, I think.

2574. The first meeting held after the passing of the Relief Bill was in 1830?—I cannot recollect it; but by a reference to the journals of the House you would discover it, because at the end of each meeting we sent up a petition. After that period I ceased to be secretary; I went to Dublin.

2575. Are you aware there was a meeting held at the court-house in 1830 in Maryborough?—Yes.

2576. What was the avowed object of that meeting?—I think there were two meetings held at the court-house, one for reform, and the other for the repeal of the Union.

2577. Who was high sheriff?—Mr. Kelly was at one meeting.

2578. Has there been any meeting held at the court-house since he was sheriff?—I think not.

2579. Then

John Dillon, Esq.

21 June 1832.

2579. Then two must have been held during his year?—I think there were two held; Mr. Kelly took the chair at the meeting for the repeal of the Union; it was Mr. Cooper who was sheriff the subsequent year.

2580. Shortly after that Mr. Kelly became a candidate for the county?—Yes.

2581. How soon after that?—The last contested election.

2582. Are you aware there were lists taken down upon the occasion, of the names of such persons as voted for the present members?—Yes, and printed.

2583. Are you aware there were some certain brands put opposite their names; such as, "Mark this man," "Do not deal with that man?"—I think I am aware of quite the contrary; Colonel Johnson has one of the lists, and if he will produce it, it will be found to be the contrary.

2584. Are you aware such marks were put upon the printed copies of that list posted upon the market-houses and chapels?—I have no recollection of seeing any such, nor do I believe that they existed; they might exist, but I do not think they did.

2585. What was the object of publishing those names and circulating them in the county?—There were two objects. We apprehended, as many of the tenantry were induced to vote for Mr. Kelly against the inclination of their landlords, that they might be visited with the vengeance of the landlords, as they had been in other parts of Ireland; and those lists were printed for the purpose of convincing the landlords that if they visited with vengeance or oppressed the tenants that voted against their wishes for Mr. Kelly, there would be a public retaliation on those that voted for Sir Charles Coote and Sir Henry Parsons.

2586. You have seen those printed placards?—Yes, I have; but I wish to explain the nature of the retaliation, and to say that we thought it necessary in our defence, because the freedom of election cannot be preserved if landlords oppress their tenants for voting against their wishes.

2587. What do you mean by oppressing the tenants?—Making them pay a higher rent; ejecting them, or demanding arrears of an old date.

2588. Do you believe that the landlord who demands his right is oppressive?—If he only demands his just right, he should not be considered oppressive.

2589. Do you consider the arrear of rent is a right?—Not if it has accrued in consequence of an exorbitant rent.

2590. In all popular elections, is it not the habit of electors to take lists, and mark those who vote for one side and on the other?—Yes, I have heard it.

2591. Is it not equally common on the one side and on the other to do it?—So much so, that those who voted for Mr. Kelly were as much watched and scrutinized by the landlords and their agents, as those who voted against Mr. Kelly were by his agents.

2592. Do you not believe that the opinion of the public, the law of opinion as it is called, is one of the modes by which the freedom of election is best protected?—Yes, I do; and it was partly for that purpose the list was published, and to bring the public opinion to bear upon those who voted from corrupt motives.

2593. To bring to bear public opinion against those tenants so placarded, because they voted for their landlords?—We considered, when this list was placed before the public, they would be very well able to judge of those that voted for interested motives, and those that voted conscientiously.

2594. Is it the habit of landlords in your county to mark the tenants who vote against their wishes?—Yes.

2595. Quite as anxiously as the other side?—I think as much so. I have seen a landlord come into the booth to compel his tenant to vote against Mr. Kelly, and I was obliged to get the deputy-sheriff in the booth to remove the landlord.

2596. Have you ever seen any other persons besides landlords do similar acts?—The agents of landlords.

2597. Have you ever seen any other person but agents of landlords and landlords do similar acts?—No, I have not.

2598. To compel by the terror of temporal or eternal punishments?—No, I have not; you mean to allude to the influence of the priests.

2599. I do.—I have never seen it used, nor do I believe it has been in the Queen's County.

2600. Have you never seen accompanying the freeholders up to the booth the persons who addressed them at public meetings?—Yes; I have myself brought freeholders to the booth, and I considered it was absolutely necessary that some

one

John Dillon, Esq.
12 June 1873.

one should accompany the tenants, to protect them in some measure against the frowns of the landlord or the landlord's agent.

2601. Did you say that you knew of no instance of a Roman-catholic priest threatening a freeholder with punishment, either here or in his spiritual capacity, if he did not vote for the person he desired?—I do not know of such an instance; I think no Catholic clergyman would do so; and I am convinced that if any clergyman in Dr. Doyle's diocese did so, he would visit him with the severest exercise of his authority.

2602. You do not consider that the Roman-catholic clergymen made use of any unfair influence in the election of Queen's County?—I do not; and if they had made use of unfair influence, they would not be encouraged by those anxious to support Mr. Kelly; but I am sure that Mr. Kelly might have been returned, if it were used by the Catholic clergymen and the agitators combined.

2603. You were present at the meeting for the repeal of the Union?—I was.

2604. Did you hear language of an exciting nature made use of by persons of the greatest respectability upon that occasion?—The person of the greatest respectability that I conceive attended the meeting, was the high sheriff, and if I remember his speech correctly, it was a speech of a moderate tone; and I will further add, that it was with difficulty the high sheriff was induced to take the chair on that occasion; he had refused in the early part of the morning to take the chair; if any particular expressions are repeated, I think my memory sufficient to say whether they were used or not.

2605. Was the speech you have alluded to very moderate, and not of an exciting character?—I think it was a moderate speech; I mean of course in my own opinion.

2606. Rather antecedent to that meeting the Queen's County was supposed to have arrived at a comparative state of tranquillity, so much so that it was thought advisable to remove Colonel O'Donahough?—The county was not in a comparative state of tranquillity at that meeting.

2607. Antecedent to it?—The meeting took place in 1830, and the memorial for the removal of Colonel O'Donahough was presented in 1830, and I think it was subsequent to the repeal meeting.

2608. That memorial was grounded upon the tranquillity of the county?—Not solely.

2609. Upon what then was it grounded?—I think there were at least two reasons expressed in the memorial; and I beg first to state that a gentleman from the grand jury waited upon the Traverse Society, a society of farmers in the county to protect themselves from excessive grand-jury taxation, and this gentleman said there was a party in the grand jury who would willingly remove Colonel O'Donahough, but they did not wish that the measure for his removal should originate with themselves; that they preferred it should come before them in the shape of a petition or memorial from the Traverse Society.

2610. What was the object of removing Colonel O'Donahough, if not from the tranquillity of the county?—There were two objections; one was that Colonel O'Donahough lived at the extremity of the county.

2611. At that time did not the grand jury apply to the Government to reduce the police force in consequence of the improved state of the county?—I am not aware that they did; we are seldom aware of the transactions of the grand jury of the Queen's County.

2612. Did any change take place in the state of the county, as regarded its tranquillity, immediately after that removal?—After the memorial it became worse.

2613. Can you state what, in your opinion, caused the disturbance of the county to increase after that memorial?—I think Colonel O'Donahough, and persons like him, holding public situations, where the existence of their situations depends upon the disturbance of the county, were not sufficiently anxious that the county should be quiet; and it is the general impression in the county.

2614. Have you taken any pains to ascertain the truth that there is good ground for that impression?—Matters have occurred every day that induce us to believe that the local authorities, those in particular who receive emoluments from their situations, are not sufficiently anxious to have the county in a peaceable state, because their emoluments depend upon the disturbed state of the country; and I would mention one fact that occurs to me. I remember the attack at Ballysocken, at which attack there were several men shot; a very large party of the police and a detachment of the 92d Highlanders assembled near the house, and if the 92d

Highlanders

Highlanders had been allowed to come up to the house at Ballynocken as soon as the police, it is my opinion that every individual concerned in that attack could have been made prisoner; but they were not allowed, although I believe at the distance of half a mile. The first person, as I am informed, that entered the house, was William Grey; he was seized by the police, and I have never been able to learn what became of him; and the impression upon my mind is, that William Grey could have given sufficiently accurate information to enable the magistrates to apprehend a great many bad characters in the county; at that time they had him completely in their power.

2615. Was he allowed to escape?—I do not know what became of him.

2616. Was he ever in custody?—He was in firm close custody that night.

2617. Who commanded the party?—I believe Mr. Wray commanded the party.

2618. Who is he?—He is now a magistrate; he was then a police constable.

2619. We are to infer, you consider that the civil authority, Mr. Wray, did not do his duty as he ought to have done?—I naturally conclude, if there is an informer taken, and his information is not acted upon, there is negligence somewhere.

2620. Do you consider that a conviction can be had upon the unsupported evidence of an informer?—No, not of one informer; but there are so many bad characters, and so many drunken and dissipated men amongst them, that they could get a sufficient number of informers.

2621. Have you any reason to believe that Grey would have become an informer if he had been kept in custody?—I have no particular reason; but if he had not, I have reason to believe he would have been brought to trial. Many people were shot, though none of the police were hurt upon that occasion, and there is no doubt that they could all have been nearly taken if the military had surrounded the house.

2622. Do you recollect any other case that would warrant you in expressing that opinion?—A man of the name of Robinson was produced at the assizes 12 months ago, and he was produced as a public prosecutor; and I heard Robinson acknowledge that he was present at seven attacks, that he knew the men present, and he had been present when 100 men were sworn in as Whitefeet. I concluded when Robinson had known so many men sworn in, and as he came forward once as prosecutor, he would do it again; and if he had informed against those men whom he acknowledged he knew, there would have been a sufficient number of informers to enable the magistrates to quell the disturbance.

2623. What has become of Robinson?—He is living in the police barracks as an informer, and as he is protected by the police, he could come forward a second time as well as the first.

2624. Do you mean to say that they did not bring him forward to give all the evidence he could give?—I presume so.

2625. What could be the object of it?—The conclusion is, that those who receive emoluments from their situation are not sufficiently desirous to make use of such evidence.

2626. You mean that they do not do what they ought to do, because they may keep their situations?—Yes; and there is another man, Doulay, who has never been brought forward.

2627. What is the nature of the Whitefoot oath; can you state it?—I heard it stated by a man of the name of Dempsey at the assizes. They are bound to procure a rise of wages and a reduction of rents, and to assist each other upon every occasion when called; not to betray each others secrets; and I heard Dempsey swear that part of the oath was for the extermination of heretics.

2628. Did you ever hear that one portion of the oath was, that they would not go to confession?—No, I never did.

2629. Are there a good number of what are called agitators in the Queen's County?—Yes.

2630. Are they of a respectable class of people?—They are the most respectable farmers in the county.

2631. Are there any of the class of gentlemen?—In Ireland it is difficult to distinguish what is meant by a gentleman; but all farmers of good education are generally considered gentlemen in Ireland.

2632. Very justly so. Did or did not the agitators refuse to join the magistrates to form associations for the suppression of crime, or did they not exercise their

John Dillon, Esq.

22 June 1832.

their influence to prevent respectable farmers doing so?—I have heard, since I came to London, that one gentleman did use his influence to prevent the farmers in his neighbourhood joining Mr. Adair.

2633. Was that gentleman what is called an agitator?—He was; the idea of forming an association of farmers to quiet disturbances, I believe, was first broached by a Mr. Lalor at a public meeting. The magistrates did not then attend to it; but after some time the magistrates convened a private meeting in the grand jury room, and at that meeting they agreed to resolutions we were then ignorant of. I believe the impression was very general that the magistrates were unwilling to convene a public meeting for this purpose; that they would endeavour to put arms, if arms were to be given to the farmers, into the hands of only a particular class. That is the chief reason that I believe induced the farmers not to join in it.

2634. What do you mean by a particular class?—It was their intention, or such was the impression abroad, to put arms into the hands of the Protestant tenantry, and those immediately and absolutely depending upon them.

2635. What do you mean by agitators, in the evidence you have given as to that class of people; who do you call agitators in the Queen's County; what class of persons?—All the large respectable farmers and shopkeepers in the county in general are agitators, or so called.

2636. Have you heard those agitators use very violent and inflammatory language, calculated to excite disturbance in the country?—Not calculated to excite disturbance, rather to allay it. I have never been present at a public meeting when there was not every effort used by the principal speakers to induce the people to obey the law, and not commit a breach of it.

2637. What law?—The law of the land.

2638. Do you conceive that tithes is supported by the law of the land?—It is.

2639. Do you think encouraging opposition to tithes is encouraging obedience to the law of the land?—In encouraging the opposition to tithes they were always particularly anxious no breach of the law should be committed, and they dreaded the commission of a breach of the peace in opposition to the tithes; they were particularly anxious to avoid it.

2640. The agitation you allude to was applied to the Catholic question?—Yes, principally; latterly it has been applied to reform and repeal.

2641. The great and principal agitation, in which those agitators took a part, had for its object the repeal of the Catholic penal laws?—Yes.

2642. Under the circumstances of the opposition that was made to the repeal of those laws, do you conceive there was the least chance of their being done away, except by that system of general agitation which was established and carried on throughout Ireland?—I conceive we never would have been emancipated had it not been for that agitation, and I conceive we will never get an abolition of tithes without agitation; and I conceive without agitation reform would not be conceded.

2643. If the Catholic Bill had been passed by the House of Lords in 1825, when it had been passed by the House of Commons, would any of this violent agitation, so much complained of, have taken place in Ireland, so far as that question is concerned?—So far as the question of emancipation was concerned, it could not; having been passed, we could not agitate for it.

2644. You gave some reasons just now for the agitators refusing to join the magistrates in forming an association; is it your opinion that the agitators act in opposition to the magistrates, and that they are actuated by jealousy?—The agitators are anxious to be joined by the magistrates, but they must feel jealous that the magistrates will not even condescend to consult them; but I should be sorry to think that any agitator would advocate the doing of wrong because the magistrates had advocated the contrary.

2645. You have stated you have heard those agitators use very strong language, but always in support of the law; have you ever heard those agitators state to the people that if they did pay tithes, for instance, that it would be very convenient that no person should deal with them?—I have; it is the constant language of the agitators in opposition to tithes.

2646. Or trade or work with them in any way?—Yes.

2647. Can you state any one instance of those persons called agitators having brought forward any proposition for the amelioration of the poor?—There was one

one meeting in the Queen's County, at which I was not present, to consider the propriety of introducing the poor laws.

2648. Was not that meeting which was called to consider of the repeal of the Union, also called to consider the introduction of the poor laws?—I do not remember that it was, I am sure; the second object was not discussed.

2649. Can you call to mind any proposition, on the part of the magistrates or the landed gentlemen of the country, to benefit the condition of the poor?—Never; and the agitators have been so much occupied with what I may call fundamental questions, it was quite impossible to direct their attention to minor grievances.

2650. Do you not think they will be constantly in the same state of agitation if those questions are not settled, and that they will never have sufficient time to remedy any local defects or grievances?—It is impossible that they can.

2651. Do you conceive if those questions of public interest were taken up by the Government or the Parliament, that that would put an end to this agitation?—That it would entirely put an end to them I would not say, because a *little agitation* would assist the Government in carrying those objects. I think we would assist the Government with a little "wholesome agitation."

2652. Did the agitators think they were assisting the Government in keeping the country in a state of disturbance?—We do not keep the country in a state of disturbance.

2653. How do you reconcile agitation with peace?—That is the term that our opponents have fixed upon us, and we do not reject it.

2654. You made use of the term "we;" are you one?—Yes, I am generally considered so.

2655. Have the agitators much influence over the minds of the people?—Yes, they had formerly; but latterly they have lost it in a great measure.

2656. To what do you attribute that change?—When we agitated for emancipation, the poor people thought some good would result to themselves from it, and when they found no good resulted, they have taken their grievances into their own hands.

2657. It did not produce to them what had been promised?—No, they expected other benefits would follow, perhaps the abolition of tithes, and the abolition of the grand jury cesses.

2658. Had any promise of that kind been made?—It was generally calculated upon.

2659. Do you not think the tendency of emancipation is this, to allow the Legislature and Government to correct the abuses of which you speak?—Yes; and I consider they could not remedy those other abuses if emancipation had not been granted; and another great benefit we expected was the union of both classes to join in the redress of grievances.

2660. Do you not conceive, in proportion as they become educated and enlightened, that they will perceive that emancipation was a necessary step to the removal of all those evils?—Yes, they are aware of that.

2661. And although those results have not followed from emancipation, there is a hope, even in a short time, that they necessarily must?—Yes.

2662. Do you believe that the education of the children of the poor in Ireland will tend to the public good?—Yes, decidedly, and much tend to lessen disturbance.

2663. Have you heard of the new plan of education?—Yes, I have.

2664. Has there been any agitation in the Queen's County against that measure, by any class of persons?—Yes; I have seen the rector of the town of Maryborough and the curates going through the town and visiting the houses of the members of their flock, procuring signatures to a petition to the House of Commons.

2665. In favour of it?—Against it.

2666. Have you known any great disturbance to exist among the peasantry, in consequence of being forced by their landlords to send their children to schools which they did not approve of?—Yes.

2667. Was not the burning of the school-house at Ballykilkerran attributed to a Protestant boy?—It was.

2668. Was it attributed by the Catholics only to this boy?—I do not think I heard any but Catholics say it; others might have said it.

2669. Have you any good ground for supposing that that report was correct?—No; but I should think that the labourers, and those in the neighbourhood of

John Dillon, Esq.
21 June 1832.

John Dillon, Esq.

22 June 1893.

Sir Edward Johnson, would be unwilling to incense him further by burning the house, and they must have regretted it.

2670. Did you attend a meeting at which you were a party to draw up resolutions previously to going to a general meeting as to the regulation of that school?—I have a general recollection of it, but I do not remember it exactly.

2671. You have stated there is no confidence placed in the stipendiary magistrate, inasmuch as he is a temporary officer; and your idea is, that the people think his interest must be to keep up the disturbance of the country to keep himself in office?—Yes.

2672. Do you conceive if that officer was a fixed officer, at a permanent salary, not the person at present at Maryborough, with some distinguished person, and having the control over the police of the county, that that would be a more satisfactory state of things?—Yes; and it is my opinion, if all magistrates were regularly paid, there would be an improvement in the state of the country, and if all magistrates were fixed.

2673. Do you mean to say that the respectable class of the farmers of the county have not confidence in the present unpaid magistrates of the county?—They have not in the greater part of them.

2674. You would suggest that there should be a permanent stipendiary magistrate, and he to have the distribution of the police throughout the county?—Yes; I think it would be advisable.

2675. You have stated that the magistrates, or the Lord-lieutenant, declined to call a public meeting to form those local associations of farmers; did the farmers send in any requisition to the Lord-lieutenant to call a meeting for the purpose of forming those local associations?—I think not.

2676. There was no requisition sent to the Lord-lieutenant?—Not that I am aware of.

2677. Do you not think that the county would object to this permanent expense of stipendiary magistrates?—They might, in the first instance, but the beneficial result that would follow would reconcile them to it; if they existed in the country the taxes might be diminished in other respects, and, in the end, the existence of the stipendiary magistrates would not weigh heavy upon the people.

2678. Do you conceive that a stipendiary magistrate, residing in the town of Maryborough, could exercise jurisdiction to the satisfaction of the public over the distant parts of the county?—No; the courts should be frequently held, and within small distances. I have always objected to the existence of stipendiary magistrates along with unpaid magistrates, for I do think there was a jealousy between them.

2679. You would be an advocate to do away with unpaid magistrates?—Yes.

2680. Would not it be an improvement, instead of selecting military persons for stipendiary magistrates, that no stipendiary magistrates should be appointed except from the legal profession, and having been a certain number of years at the bar?—It would be a decided advantage that he should have legal acquirements; I have generally seen the clerk at petty sessions a better judge of the law than the magistrate.

2681. You do not mean to recommend for the Queen's County there should be a paid magistracy, supported at the expense of the county?—Yes.

2682. How many?—Five.

2683. You would do away with all the unpaid magistrates?—Yes.

2684. In estimating the competency and the legal ability of the magistrates, are you led to that conclusion by your own, or the opinion of your legal advisers?—Sometimes my own opinion, and sometimes by legal advisers. I think there is a decided objection to a military man being appointed as "stipendiary magistrate." I have seen bad effects from it; they are of necessity less acquainted with the law than private gentlemen; their attention has been less turned to it, they know less of it than the private gentlemen of the county.

2685. Then it is your opinion that the attorney at the sessions, who knows the law better than the magistrate, or the country magistrate, who knows better than the attorney, would be the best person?—I should not recommend an attorney at all; though I do not think that it is necessary a magistrate should be a member of the bar.

2686. Would it meet your view if the criminal jurisprudence was left to the stipendiary magistrate, and the civil duty left to the general magistrates of the county?—They are so mixed up it would be difficult to distinguish them.

2687. Suppose

John Dillon, Esq.

22 June 1832.

2687. Suppose the magistrates of the county decide upon cases of trespass and cases of wages, and things of that sort, and the cases of murder, robbery and assaults were left to the stipendiary magistrates, would not that meet your view?—I have frequently attended the courts, and in every case of trespass there has been a breach of the peace committed.

2688. You have alluded to a society for traversing presentments; when was that formed, and for what reason?—On account of the excessive taxation and the jobs sought by members of the grand jury to improve their own estates, and the neglected state in which they left the other parts of the country.

2689. Can you specify any instances where estates have been improved at the expense of the county?—Yes; in the town of Stradbally a sessions-house was very unnecessary; it was built at an excessive cost, and it was evidently for the improvement of the domain of Mr. Coshie; it is just at the entrance of his domain.

2690. Can you state any other?—The footpaths are neglected all over the country, except in the neighbourhood of a gentleman's domain.

2691. If there is a committee formed in the county to resist an excessive tax, how can people fancy that extreme improvement can go on concomitantly with a diminution of the public charge?—I do not understand the question.

2692. You say there is a club formed to diminish the county cess; you cannot expect the footpaths to be good all over the country when there is a club to prevent it?—Since the establishment of this club those jobs have been much less frequent.

2693. Have they traversed?—Yes, and succeeded in almost every case.

2694. In how many cases in the last year?—There have been fewer jobs presented to the grand jury since our existence, so that the very existence of the club prevents a number of jobs; there have been five successfully traversed.

2695. How are they aware of the presentments coming on?—By the notices and schedules.

2696. Were the things you call jobs traversed upon merits, or formally?—They were generally traversed upon the merits, and for excess of price.

2697. This society was not established previously to the building the goals and Lunatic Asylum?—No.

2698. Those buildings irritated the farmers very much?—Yes.

2699. Are you acquainted with the county of Kildare?—A little; not much.

2700. Are the disturbances gaining ground in that county?—I think they are checked a little.

2701. Are you aware of any number of farmers lately having been disarmed?—No.

2702. How have they been checked?—There were public meetings called, and the magistrates joined the people and were able to repress it.

2703. Have you heard of incursions of Whitefeet into Kildare from the Queen's County, who took arms and committed outrages?—Yes.

2704. Have you heard where they came from originally?—From the Queen's County.

2705. There have been meetings held in the county of Kildare to enter into an association for the repression of the Whitefeet?—Yes.

2706. Is it to those meetings and the cordial union between the farmers and gentry you attribute this decrease of disturbance?—Yes.

2707. Do you conceive if similar measures had been taken in Queen's County they would have had a similar effect?—It would have had a very powerful effect.

2708. Are the tithes paid in Kildare?—I believe not.

2709. Then this association has not led to obedience to the laws?—I conceive not to the law of tithe.

2710. Do you conceive that a single farmer would have joined the magistrates if they had supposed that their union would have been used to enforce the payment of tithes?—I rather think, in the present state of Ireland, no magistrate who was decidedly anxious to co-operate with the people would endeavour to induce the people to join in the enforcing the payment of tithe.

2711. Would the farmers have joined that union if they were called on to accompany the troops and police to attend tithe sales?—I think not; but I am certain that the farmers would willingly use all their efforts to prevent a breach of the peace at tithe meetings.

2712. Did you hear that when the formation of those associations was proposed about 12 months since, in the Queen's County, that it was proposed by some individuals

John Dillon, Esq.

22 June 1832.

individuals, who took part in forming them, that those individuals should aid in enforcing the law in the collection of tithe, and that the circumstance of such an intimation deterred men joining it, and consequently the proposition failed?—There was certainly an impression of that kind in the county; the conduct of the magistrates extremely puzzled the people; they formed themselves into committees, and we were quite ignorant and unaware of magistrates' motives in meeting privately for purposes unknown to us; we supposed that they were to act before the public; we did not know the meaning of their private committees; they had a central and sub-committees.

2713. Were not all their resolutions printed and published?—Some of them were, but they might have private resolutions, and it is very likely they had.

2714. Do you conceive that the magistrates were to be amenable to the committees of agitation?—Not at all; I do not think that is to be inferred from my answer.

2715. What resolutions did they print?—I never saw any except those offering rewards.

2716. There was no resolution set forth to the public specifying the duty that this armed association was to perform, and the principles upon which they were to act?—There was a series of resolutions, but I do not know whether they emanated from the central committee or not, that did in general specify, but not particularly, the duties of the armed association.

2717. Was that the only resolution you saw?—[*Holding a paper to the Witness.*]—I saw that resolution.

2718. In what you said of the reluctance of the farmers to join with the magistrates in enforcing the law as to the tithe, do you mean to include the Protestant farmers?—I do; I mean to say, I have generally found them as unwilling to pay tithes as the Catholic farmer.

2719. Have you known many instances of tithe-meetings being presided at, in the capacity of chairmen, by Protestant farmers?—In the Queen's County I have not, but I have known it in other counties.

2720. Do you mean to say that the Protestant farmers do not pay tithe?—I do not know a Protestant farmer that does pay it.

2721. On what principle is it he does not pay it?—They consider it a grievance to pay a certain sum where they receive no benefit; they would prefer a voluntary payment.

2722. You do not mean to say, that the Protestant does not get value for his tithe?—But the sum is fixed upon him by law, whether he gets benefit or not.

2723. Do you think the Catholic is justified in not paying tithe?—Yes, I think he is, but not the Protestant.

2724. On what ground do you think that the Catholic is justified?—Because he gets no benefit.

2725. When he took the land, do you not think that it was part of the burthen?—He knew it was liable to tithe.

2726. He looked to the landlord for a corresponding abatement of rent when he took ground that was liable to the charge of tithe?—He felt he was liable to tithe, but like any other tax imposed by the Legislature, he knew it was a tax he could be relieved from.

2727. Would the Catholic farmer object to pay the same amount, if it was applied to a purpose that gave him value?—No.

2728. If it was applied to national purposes beneficial to the country at large, do you think there would be any objection to the payment of it?—They could not have so strong an objection as they have now, but they would have some objection: it would depend upon the purposes to which it was applied; if it were applied for the advantage of those who did not hold land, for the advantage of ship-owners or merchants, the farmers would feel some objection to pay it.

2729. Do you not think it would lead to the same inconvenience if the public at large are to exercise their opinion upon the subject; do you think good government could exist in the country if that was the case?—I do not think a good government could exist, unless the people are allowed to judge of its proceedings.

2730. Do you think if a portion was appropriated to the employment of the poor, would they pay it more willingly?—Yes.

2731. Do you mean to apply your objections to military magistrates, to those quartered upon the country, or those who have retired upon half-pay?—I think those

those who have retired from the service are equally competent with other country gentlemen. *John Dillon, Esq.*

22 June 1832.

2732. Do you think if stipendiary magistrates were placed in districts in other counties adjoining Queen's County that a fewer number than five would do for the Queen's County?—No, I do not think less than five would do.

2733. Is that attention paid by the legal authorities in that part of Ireland you are acquainted with, and that enforcement of the law in minor offences and misdemeanours which gives a just confidence of protection and reliance on those laws; do the poor generally have a just confidence that they can obtain redress of their grievances?—I think in minor matters they are very fairly attended to; but there is a great inconvenience resulting to the public often from magistrates' clerks being allowed to issue summonses and promote litigation; for a clerk to get his 6 d. will issue a summons upon the most trifling occasion.

2734. You were secretary to the Catholic association, in the Queen's County?—It was not properly a Catholic association. I was secretary to the Catholics in the county.

2735. Had you any corresponding branch of the Catholic association in the county?—No, we had not.

2736. Had you frequent meetings upon the subject?—Yes.

2737. Who were the gentlemen that took a part in the meetings usually?—Principally the Catholic gentry of the county, and one or two Protestants and grand jurors, with other Protestants of the middle class.

2738. Clergy as well as gentry?—Clergy never.

2739. You have stated that the people were disappointed by the results of the emancipation; state what was included in their notion of what was likely to result from it?—They expected the abolition of tithes; it was not held out to them; I do not think it was held out to them during the struggle for emancipation, but I am sure they expected it, and a reduction of rents, and a revision of the grand jury laws, and different other advantages; I would be inclined to say that the peasantry themselves had rather a vague notion of the benefits to result from it; that some benefits would result they conceived, but their notions were ill defined.

2740. A general indefinite good?—Yes.

2741. Do you not think in that they included a repeal of the Union?—No, I do not think that they thought of it at that time.

2742. That is a subsequent thing?—Yes, with the peasantry of the country certainly; not with others.

2743. Do you not think that the disappointment of the peasantry at the settlement of the question of emancipation has produced a feeling of exasperation on their minds which has determined them in agitating for themselves?—I think it is because they found no immediate benefits to follow.

2744. And because they find no immediate benefits resulting from it, they are now resolved to agitate for themselves?—Yes.

2745. Did that system of agitation comprehend the system of tithes?—No; it did not commence with it: the Whitefoots made no attack upon tithes at all.

2746. What should you state to be the distinct object of the agitators at present?—I suppose you mean the Whitefoots.

2747. Are they not the same, although of different denominations?—No; they were quite different.

2748. Against what are the combinations principally directed?—Against the effect of subletting, the Act ejecting the tenants from small holdings, the high rent of the land, and the low wages.

2749. Were you secretary to the meeting held for the repeal of the Union?—No, I was not.

2750. You stated that the Whitefoots and Blackfoots united as a body to put down the Orangemen?—They were one body known without any particular name.

2751. At what period was this?—From 1823 and 1824, up to 1827 or 1828, for three or four years a strong combination existed, without any particular name.

2752. What particular parties or bodies of Orangemen was it attempted to put down?—The Orangemen that joined in the public processions and public insults.

2753. Where did that take place?—In Mount Mellick, and more or less over the county.

2754. Did any collisions take place between those bodies? Frequently.

2755. Were not the Orange processions, in point of fact, given up 20 years ago?—No, not in Mount Mellick until these six years.

677.

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2756. You

John Dillon, Esq.

22 June 1835.

2756. You have had no processions in Mountrath of late?—No, I think they have ceased these 20 years.

2757. Have they been quieter since they have been given up?—Yes, they have.

2758. Have you been in the habit of addressing public meetings?—Yes.

2759. Upon what questions?—Every question agitated in public; emancipation, reform and repeal.

2760. Have you not felt it your duty to take an active part against tithe?—Yes.

2761. What is the specific nature of your objection to tithe?—That I receive no compensation.

2762. Is it an objection to the tax itself, or a tax opposed to your religion?—No, it is not because it is opposed to my religion, but because I receive no compensation for what I give.

2763. Whether you agree to pay a thing or not, if you think you do not get value for it you think yourself relieved from your previous engagement?—I do not feel myself bound to pay money if I receive no value.

2764. Was not it an engagement made when land was taken throughout the Queen's County generally?—Yes, it was; but they were aware that it was perfectly just for them to endeavour to get rid of it if they could.

2765. Were the landlords aware of it, that the tenants contemplated getting rid of the effect of their bargain?—I do not say the tenants generally contemplated, 10 or 15 years ago, to get rid of it, but now they certainly do.

2766. Do you think it honest or just, when a man makes a bargain, in the course of time to violate it?—If it be an equitable bargain, certainly not.

2767. Among the remote causes of the disturbances in the Queen's County, you stated that the processions that formerly perambulated the country, the Orange processions, was one cause, and that another cause was the religious excitement produced by Captain Gordon's crusaders; how do you connect the influence of Captain Gordon's agitation with the general influence that you conceive has produced the present agitation?—I connect it with the Orange processions in this way: the Orange processions publicly insulted the feelings of the Catholics, and Captain Gordon's auxiliaries and himself publicly insulted the religion of the Catholics.

2768. In what manner?—By attacking their doctrines, and attacking their clergy.

2769. By public meetings?—Yes, and by tracts disseminated to a great extent. I have seen one tract, a very scurrilous attack upon the parish priest of Mountrath, that was disseminated by Captain Gordon.

2770. Have you read the communication from the parish priest of Mountrath that produced that?—No, I have not, but I read the letter that produced the communication from the parish priest; the first letter was from Captain Gordon.

2771. Are you aware that, in that letter, the communication from the parish priest is given?—The first letter was from Captain Gordon, the second from Mr. Malone, and the third from Captain Gordon, I believe written after he had left the country, and published by Harding, in Dublin, and disseminated over the county.

2772. With the priest's communication?—Yes.

2773. They all appeared in the same tract?—Yes.

2774. Did you attend any of the meetings to which you allude?—Yes, I have gone into them.

2775. In what place?—I have gone into the court-house at Maryborough where a schoolmaster, without the desire of the clergy, went to answer the objections of Captain Gordon to the Catholic clergy.

2776. Were you present at the conclusion of that meeting?—I am not certain that I was.

2777. Were political objects mixed up with it?—No, I cannot say that; there were subjects indirectly political, the Kildare-street school and other things, the subjects of public discussion.

2778. You have stated that the Kildare-street schools were the subject of discussion; supposing you were assured that the Kildare-street schools had never been mentioned in those discussions by those who conducted them?—I am quite sure that there were more meetings than two. I was present at one meeting which exasperated the people; it was a biblical meeting held in the civil court when the assistant barrister was presiding in the criminal court.

2779. Was

2779. Was Captain Gordon there?—I believe he was not; but it exasperated the people that “the preachers” should be in one room and the judge sitting in another.

John Dillon, Esq.

22 June 1832.

2780. Do you know Captain Gordon?—I am not certain that I should know him.

2781. Did you ever hear that political subjects were distinctly disavowed by those who conducted those meetings?—Yes, I have heard so.

2782. Did you ever discover any riot or opposition on the part of the people connected with those meetings?—Do you mean during the continuance of those meetings?

2783. Yes.—Not as far as I saw; I remember no disturbance in the court-house.

2784. At that time, to your knowledge, did the people evince an extraordinary anxiety to attend them?—Yes; they would, if not discouraged by their priests, attend for the purpose of laughing at them; they thought them very absurd.

2785. Have you any sources of information upon which you can depend to warrant that opinion?—Yes; I have heard some of the people say they should like to go and listen to such odd fellows.

2786. Have you ever heard that the people were so anxious to attend them that the influence of the priest could not prevent them?—They did not evince it as a body, but some *droll fellows* would like to stroll in.

2787. Do you know, of your own knowledge, that there are any gentlemen holding the commission of the peace in the Queen’s County who are amongst the class of men you call agitators; I do not want names?—I think that the gentlemen would not object to their names; I do not know, except Mr. Price; he has attended all our meetings.

2788. Has not Mr. Smith?—He has attended occasionally, and moved resolutions; Mr. Price has attended and moved resolutions.

2789. You would not call any man who attended a public meeting an agitator?—They are generally called so.

2790. Do you not think it would be productive of public benefit if the gentlemen of the county did attend at public meetings to consider what might be done for the improvement of the county?—Yes; I think it would tend to give the people confidence in them, and have a very beneficial influence generally.

Mr. John Edge, called in; and Examined.

2791. WHERE do you reside?—At Newtown Colliery.

2792. Have you resided there long?—Above 20 years.

Mr. John Edge.

2793. What situations have you filled?—I have been Cashier to the Grand Canal Company at the time they held the colliery.

2794. You are tenant of the colliery now?—I hold them, and work them as a partner with the owners; they are leased to me.

2795. How many men do you employ?—I really cannot tell, but I can tell something about the amount of my payment.

2796. Can you tell within 20 or 30?—Probably above 500 men.

2797. What is the state of the country in that part of the county?—It has been during the winter in a disturbed state.

2798. By the Whitesheet?—Yes.

2799. When did it begin?—I think some time about August last.

2800. Did it altogether begin in the district, or come from any other part?—I conceive it commenced in the county of Tipperary, and that it moved on eastward and got into the Clough colliery, they then got into Newtown colliery, and it is now moving eastward still, across the mountains towards the county of Kildare.

2801. Is the population very dense in that country?—Yes, taking the three collieries of Newtown, the Lordship and the Clough; they are like a great bowl; they contain a population greater than any city or town in Ireland, Dublin and Cork excepted.

2802. Spread over the county?—Yes, in little detached cabins, but quite close to each other.

2803. This is a mountainous country?—Yes, it lies far above the level of the sea, and above the surrounding limestone country.

2804. Till within these few years there was scarcely a road into it?—There were

Mr. John Edge.

22 June 1832.

seven or eight roads leading out of it, which went over the highest hills they could find, except the road to Kilkenny.

2805. And generally across the beds of rivers?—It was generally along the very beds of the rivers, and now there are very fine roads.

2806. What extent of country would this embrace in square miles?—That would be best described by Mr. Griffiths' map of the Leinster coal district.

2807. What is the length of that kind of country?—It is about 20 miles long by 12 or 14 miles wide.

2808. Are there any gentlemen living in it?—Very few.

2809. Any Protestant clergymen?—Only one, in the neighbourhood of Castle-comer.

2810. What was the character of the people up to a recent period?—They were tolerably orderly and properly conducted people, I mean drinking excepted; the colliers were always said to be a drunken set, which is a fact; they earn very high wages; they generally work task-work, and where they work by the day their wages are 1 s. 8 d. or 2 s., when a man is employed by the day.

2811. Was there employment for the whole of the population?—Indeed I think there was tolerably fair employment; there is now in any colliery at work a want of more men to employ.

2812. Now good roads have been made?—Yes, roads from the colliery; there are very fine roads through the outlets.

2813. They are not only used to get the coals out, but to get the produce down to the markets of Carlow and other places?—Yes, certainly.

2814. So that it has been an improving district of country?—Yes; if you were to ride through the country, now there are several passes through it, a stranger would not suppose he was travelling through the same country, both from the goodness of the road and the new scenery.

2815. All the inclinations of the road are perfectly easy?—Yes.

2816. You laid down, as an engineer, some of those roads?—Yes, I laid down some of them.

2817. The improvement of those roads has considerably increased the sale of coal?—I cannot say that; I understand the sales in the colliery were very nearly as great before.

2818. Who is the proprietor of those collieries?—The Wandersford family of the Lordship, Major Bryan of the Clough, and Messrs. Bowen and Lecky of the one I hold.

2819. Do you think that they could work them more efficiently, or that there could be more employment?—Yes, if there was more facility of carrying coal away.

2820. How much have you paid between the month of May 1831 and the month of May 1832, in cash?—I paid something under 9,000 l.

2821. That was all for labour?—It was for the expenses attendant on the colliery; there was the price of timber in the amount paid.

2822. Can you state any particular reason why this Whitefoot association established itself in that district; was there any thing particular in the management of the land or rent?—Nothing at all new, to my knowledge.

2823. What do you call new?—No new occurrence, but the same kind of thing that always went forward.

2824. What was it; what do you think caused it?—I think it came in from the westward to us.

2825. There is nothing going on that predisposed the minds of the people to receive it?—Nothing further than a disposition to drunkenness; that they sometimes got drunk; and I believe people of that kind of depraved habits are more likely to commit excesses.

2826. Have there been any turnings-out of tenantry?—No such thing.

2827. Not in the higher range?—Yes; Mr. Coshy on the commons of Fossey, which was a place notorious for bad characters; he let the lands to the good, and got rid of the bad.

2828. Would a railway communication be of use there?—Yes, the greatest use; it would facilitate the working of the mines to a greater extent, and give the coals and coal at a cheaper rate to the part of the country where it would lead.

2829. Would it be very expensive?—No, I think not; it should not be done by steam, but by horses; the inclination of the road would be too great for steam.

2830. Out

2830. Out of what fund are the roads made?—Out of the subscriptions; and I should be glad to subscribe myself for a railway.

2831. The great road to Carlow was made by subscription?—Yes, it was.

2832. The turnpike road was made by the county?—Yes; Mr. Cosby made all the bye-road through his estate at his own expense.

2833. You are acquainted with his estate?—Perfectly.

2834. He got possession of it after a very long lease?—I heard the lease was 300 or 900 years.

2835. You stated that there had not been more employed since the making of the roads than there was before, when those good roads did not exist?—That was the impression on my mind.

2836. Can you account for it?—No, I cannot.

2837. Do they use the culm for burning the lime?—Yes.

2838. Down below there is the limestone, and that makes a demand for the culm?—Yes.

2839. On the edge of this district it is all lime?—The whole colliery is based upon limestone.

2840. So that the inhabitants of this district carry on the trade of exporting culm from it, and bringing back, as back-carriage, limestone for the improvement of the land?—Yes.

2841. Is that not why there has been a great improvement taking place?—Yes.

2842. And the advantage to the landed proprietor and the tenant is equally great?—Yes.

2843. It enables the men to pay the county cess who can get the best manure at so cheap a rate?—Yes.

2844. What is the lime a barrel?—Colonel Rochfort sells his lime at 1 s. 5 d. for four bushels.

2845. What force have you in that country?—There is a part of a company of soldiers in my house, and there is police stationed at Newtown.

2846. Were they brought into the country sufficiently early to check the progress of outrage?—They were brought into it for the purpose of stopping it, but it had commenced before that period.

2847. It has continued for some time?—Yes, notwithstanding they were quartered there.

2848. It had made considerable progress before they were sent?—Yes, it had.

2849. Have the outrages diminished of late?—During the time of the commission at Maryborough they had diminished a little, but still the arms that have been obtained are kept in possession.

2850. How much per acre is paid for land in this neighbourhood where the lime is obtained so cheap?—About an average of 1 l. an acre, except the mountainous part of it.

2851. For arable land?—No; it is more a grazing country, and suited to dairy; it is not a country suited to tillage.

2852. Do you mean that that land is let for 1 l. an acre?—Yes, taking the country at large, for an Irish acre.

2853. In the valleys there is some very good land?—Yes, there is some very good at Clough; very little worth from 2 l. or 2 l. 10 s. an acre.

2854. The people cannot complain of the high rent they pay for their land?—I have not heard a single complaint of high rent.

2855. Can you give the Committee any cause for those disturbances, or what keeps them up?—I really conceive it is part of a system crept in from the west, without any other cause than what it commenced with.

2856. Do you believe it is a spirit of mischief, without anything to justify it?—Yes, I do; as the same kind of works went on 20 years back that went on last year; there is no change.

2857. What do the people feed on?—The usual food is potatoes; those that work get bread, and go down into the pit.

2858. What do they drink?—Whiskey.

2859. Plenty of it!—Plenty of whiskey; I wish anything could be done to get rid of the whiskey, it is the ruin of them.

2860. Are there any shebeen-houses?—Yes; but the Whitefeet have gone to those houses during the winter; and when they have got the liquor many of them did not pay for it; and in many cases they drew the liquor themselves when

Mr. John Edger.

21 June 1834.

the owner would not give it them, and did not pay for it; so that the people that had the licence got tired of the thing, and did not get in liquor.

2861. Have you ever applied to the excise-officer to check the sale of those liquors?—Yes, I have.

2862. Did he attend to it?—Yes, he did; it was a good while ago.

2863. Have you found the officers willing to check the sale of liquors?—Yes, as far as I know.

2864. Have you heard of money being taken, and the people being allowed to sell them without a licence?—I have heard of it, but I do not believe it; I have not heard of it lately in my neighbourhood.

2865. Are there many licensed houses in your neighbourhood?—Yes.

2866. Are they people of respectable character?—I could not say that they were respectable when they allowed illegal meetings in their houses.

2867. Do you mean that they allowed meetings to take place to swear in Whitefoot?—I cannot say that it was for that purpose, but there were illegal practices in them.

2868. And they kept them open at illegal hours?—I do not know the hours, but they were illegal meetings.

2869. Were those houses kept open more frequently when the country became disturbed than before?—Yes, and kept open later.

2870. Were any steps taken by the magistrates or yourself to check it?—Only to complain; but I must speak for myself; I did not like to put myself too prominent to do any one act that might make myself unpopular.

2871. Do you believe, if the magistrates had exercised proper vigilance and seal over those houses, it would have contributed to check the progress of those disturbances?—I never knew of any instance where a magistrate was applied to but he did his duty.

2872. You say that those assemblies continued?—Yes.

2873. Do you conceive he would do his duty if he did not take the strongest measures to check them?—He had a good many of them summoned before him by the police.

2874. Did the police do their duty?—I believe they did.

2875. Do you know whether, in some instances, the people in those houses kept the police in pay?—I have never heard that they did; and I believe that they do not.

2876. Did you ever notice that the police passed over those nuisances, and never brought them to justice, except when they were directed?—I have no charge to make against them; they have done their duty, as far as I know.

2877. Are they sober men?—Yes, they are; there was some years ago some that were not.

2878. Latterly you think they have been improved?—Yes, very much so.

2879. Upon what terms are they with the country people?—They are exorated by them.

2880. Do you attribute that to the police discharging their duty strictly, or to their exceeding their duty and using hardship?—I conceive it is from a disposition on the part of the people to carry on their system contrary to all kind of order and regularity.

2881. Did this animosity to the police exist previous to the disturbances?—I think it has existed from the earliest formation of them.

2882. You stated that formerly the police were not so well conducted; do you conceive the hatred of the people originated in and arose out of that conduct?—No; I think the animosity to the police was from their first establishment.

2883. Do you conceive it was to the establishment of the police to check crime?—Yes; and as adding to the tax of the country; we are obliged to pay the tax, which is very serious.

2884. Is it the belief of the people in your country that the police are of one religion?—No; they are not exorated on account of their religious feelings; there is no distinction of religion.

2885. It has been stated there was an objection on the part of the owners of collieries to employ Protestants; is that the case?—No, it is not.

2886. You have known them employed indiscriminately with Catholics?—Yes; I have employed them myself.

2887. Have

Mr. John Edgc.

22 June 1831.

2887. Have you known any objection made to the employment of Protestants by other owners of collieries?—No, not a single objection.

2888. The Protestants and Catholics live on good terms with each other?—Yes, the colliers do, as far as I know; but I have very few Protestant colliers in my colliery, there are many in the Lordship colliery, and I never heard a difference.

2889. Do you believe that the Roman-catholic and Protestant peasantry would live on good terms with each other if they were not excited by persons of a higher class?—I believe they would live on good terms with each other if they were not excited, I will not say by the higher class, but they have been excited by keeping up a spirit of agitation.

2890. Have the Catholic clergy in the colliery exerted themselves to suppress this disturbance?—Latterly they have.

2891. Did they not at the commencement of it?—No; that was not the impression on my mind.

2892. Did you make any application to the clergyman of your district to try to repress this disturbance, which he refused?—No; on the contrary, I bear testimony that the clergyman of my parish did latterly do everything to repress the disturbance.

2893. Latterly?—Yes.

2894. In the commencement, did you speak to him on the state of the country, and request his interference to check it?—I do not recollect speaking to him on the first of it, though he and I were on good terms.

2895. Had he as good opportunity of knowing the state of the country as yourself?—Yes.

2896. Can you state, in the commencement of this disturbance, he made no exertion, by private advice to individuals of bad character, to check this disturbance?—I cannot state that.

2897. Can you state he made no remonstrance?—I do not state that.

2898. You stated that they did not use the same efforts at the commencement as they have latterly?—I do not know that they made the same exertions as latterly.

2899. They might have been made without your knowledge?—I admit that.

2900. What exertions have they made latterly?—Speaking publicly from the chapel, and carrying Dr. Doyle's instructions into effect.

2901. Did Dr. Doyle proceed to that district since the disturbance has commenced?—He did.

2902. Do you know that any proceedings were taken against the disturbers of the peace?—He published an address that was acted upon, as far as he could do it, and attended to the peace of the country.

2903. Do you know that he gave his instructions to the clergy to refuse the rights of the church to the people who did not return and deliver up their arms, and return to peaceable habits?—Yes, I believe so; and it was generally spoken from the altar.

2904. Do you believe that he or any clergyman would be justified in proceeding to such extremity at the commencement of the disturbances until it became of such importance as to require it?—I am not a sufficient judge to answer that.

2905. Do you recollect the date of the letter of Dr. Doyle requesting the clergy to endeavour to stop it?—I think it was some time in the spring.

2906. Do you remember any other letter having the same tendency?—Yes; there was a public address of Dr. Doyle's, in which he preached peace, but at the conclusion of it he added something about tithes.

2907. Is that the letter to which you alluded in the spring?—No, before that.

2908. Were the exertions of the priests to suppress disturbances consequent upon that second letter in the spring?—I think there was a renewed exertion on the part of the priests on the second letter; but I believe the priests did exert themselves at first to discountenance the thing.

2909. Might it not happen that the priests did not think in the commencement of the disturbances that they were very serious, and that that might account for their not being so anxious as at a later period?—The priests appeared to be either mistaken in the thing, or otherwise that they did not take the active part that I conceive they might have taken in stopping it.

Mr. John Edge.

22 June 1832.

2910. What do you mean by mistaken?—That they did not think the thing was so serious as it has turned out.

2911. Are there any Protestants in the district?—Yes, in the Lordship a great deal.

2912. Is there a wish among the Catholic farmers to prevent men assembling at night, and that there should be a power given to take them up?—I have conversed with a great many, and there is a universal wish that such a law should be enacted that should prevent men assembling at night without being able to account for themselves.

2913. The question refers to the Catholic farmers; have the Catholic farmers that wish?—Yes, all the Catholic farmers.

2914. You have stated that Protestants and Catholics are indiscriminately employed in these collieries?—Yes.

2915. Have many Protestants emigrated lately from that neighbourhood, or is there any alarm among that body?—I cannot answer that particularly; but there is that impression that they did receive alarm, and some have quitted the country.

2916. You cannot state that any have left it?—I have known a family to go, and they stated to me that that was the case; but it was only one or two families that went away under that impression.

2917. Do the Whitesets interfere with the private affairs of families?—They did in a way I conceived to be very unreasonable; a man took another man's daughter away, and some years after they came and beat the man in a most horrible manner to compel him to give a marriage portion. Another man swapped a horse, and they came and beat the fellow, and made him give back the money he had received in exchange; and in all the minute concerns of life, if they do not obey their mandate, they get a right good thrashing.

2918. Their objects appear to be local objects, and to arise from local causes, and they are little better than banditti?—I do not know how that is; but a great deal of mischief is done, and lives lost.

2919. Do they do this openly?—They do it generally at night.

2920. Do you believe that the Catholic clergy have sufficient influence to stop the disturbances without the assistance of the civil power?—I believe not; the Catholic clergymen in my parish told me that they have lost their influence over that part of the people, and that it is all through these disturbances.

2921. Did the Catholic clergy propose the establishment of a sort of local tribunal?—Not the Catholic clergy; but it was proposed to establish some court to supersede the magistrates' courts. I asked why it was to be done, and they said the aristocracy would be though less of.

2922. It was to put down the aristocracy?—Yes.

2923. Did any of the priests state this?—No, they did not.

2924. Were any of the priests' houses appointed for this purpose?—No; they came to their houses, and they told me they had been tormented about people coming with such and such complaints.

2925. Is it not a common thing in Ireland, when they fall out, to leave it to the priest?—Yes, and I should think it the best way; or to leave it to some honest neighbour.

2926. Do you not think that that would be better than going to swear against each other before the magistrates?—Yes, certainly.

2927. Do you not think it is common in other countries as well as Ireland?—Yes, I have no doubt of it.

2928. Has there been a sufficient magistracy and police for the last year past, and is there at present, in the district you reside in, to keep the peace; and if there is not, what do you think ought to be added to it?—I cannot think there is, when the peace has not been preserved.

2929. How many magistrates are there?—There is a stipendiary magistrate at Castlecomer, and another at Mr. Stapleton's house. The two places are five or six miles asunder, and they have not been able to keep the peace.

2930. Do you think that the magistracy and police force are not sufficient?—They have not succeeded.

2931. What do you think ought to be done to keep the peace of the country?—From the great population there, and being without any resident gentry among them, I think it would be better to make a permanent barrack for a company of soldiers, where the police might retire to for support. I have generally found
when

when the military have become stationary, the place has remained quiet; but when they went away disturbances have broken out again.

2932. If railways were made in this district, what increased number of individuals might be employed; you said 500 were employed now?—That is a rough guess of mine.

2933. Would there not be a great increase of employment by a railway?—I think there would.

2934. Would you say to the extent of double?—I cannot say that.

2935. In your personal communications and conversations with those persons, have you ever asked any of them the cause of the disturbance, and have they ever assigned any reason?—I have had communications frequently with those best capable of giving me information.

2936. What have they stated to you?—I have asked the question, what was the object? I have stated if any person goes to expense, either in labour or money, they have certainly some object in view; and I have asked the object of the Whitefeet. I have never got a rational answer, except that it was to be idle and get whiskey.

2937. Did you not say to them, if they could state any case of grievance to you, that you would be anxious to relieve them?—Yes.

2938. And they never told you any?—No, I never got any answer from them of their grievance.

2939. Is the whiskey that is used the whiskey that pays the duty?—Yes, I believe so.

2940. Have any of those disturbances shown themselves in opposition to tithe?—There has not been a single sentence about tithe in our neighbourhood.

2941. How did those disturbances show themselves publicly; what was the public exhibition made?—Before the army was applied for, they walked in noon-day in public bodies, and afterwards they made visits by night, issuing Rockite notices, putting their orders into effect, and beating and shooting if their orders were disobeyed.

2942. How long were those proceedings going on before this interference by the priests to restrain them took place?—I should think about half a year. I do not say but the priests were always active, but they have been more particularly so lately.

2943. You spoke of another letter of Dr. Doyle of another description?—I think they were all of the same description; there was an addenda to it relative to tithes.

2944. Do you recollect whether the effect of that addenda was, that he hoped their hatred to tithe would be as permanent as their love of justice?—Yes, that was the commencement of it; that was the first letter.

2945. And that was circulated among the people?—It was.

2946. Was it ever read from the altar?—I do not know whether it was or not.

2947. It was circulated among the people, with the knowledge of the priests?—Yes.

2948. Do you recollect another letter, concluding with these words, "that he hoped they would employ all their wits and resources in opposing that odious impost called tithes"?—Yes, I do; but still both the letters had the same tendency, only the last letter was a stronger one; the priests appear more alive on it than they did at first.

2949. Do you think that any of these letters produced disturbance in the county?—No, they both tended to produce good, the subject of tithe had nothing to do with it.

2950. Are you acquainted with the circumstances that led to the murder of Mr. Gregory?—No, I am not; I have heard it said that Mr. Gregory became very active on a trial at Maryborough, and that there were some of the priests opposed to him at the trial, and that brought a very general feeling against him.

2951. Did you hear any other reason assigned?—There was some difference between him and the people on the land.

2952. Have you any personal knowledge of the thing?—No, that is only from hearsay.

2953. Do you know anything attending the murder of a man of the name of Potts?—Yes, I know where it happened; it was within a musket-shot of my house, when there were many people at work, and a great number of people all round, and there was no attempt made to take the murderers.

Mr. John Edge.

22 June 1832.

2954. Had any offence been given by Mr. Potts in any way?—He wanted to do his duty to his employers, and he became obnoxious to the people.

2955. Did he take any means to enforce obedience that you would not adopt yourself?—No, I do not know of his taking any such steps; I believe it was rather because he would not return what they wanted; it was his duty to make certain returns for their payment, and he would not make a return to the extent they asked.

2956. He refused to make a fraudulent return?—He would not submit to the terms they wanted; it was not about wages, it was contract, such as he did not conceive would be a fair thing between his employers and the men.

2957. It was a dispute about prices between the employers and the colliers?—Yes, between his employer, Mr. Wandesford; but Mr. Potts was always spoken of in the highest terms as being an honest man that performed every thing that he promised; the men were able to earn very good wages; and he was very much regretted among the respectable people.

2958. Do you know what was done in your neighbourhood to form associations?—I do not know of anything being done of that kind.

2959. Do you think it would be desirable to do it?—Yes; nothing is more likely to preserve the peace of the country, particularly if the landlords united with the farmers, so that there might be a patrol over every townland.

2960. Do you think if the landlords came forward as they ought to do that the tenants would cheerfully do so, and assist in patrolling the roads, and aiding the police, so that peace would be re-established and outrage repressed?—I have put that to the people, and they have all universally said they would be delighted to do so.

2961. Can you say why such a resolution to try such a system was not persevered in in the course of the last year?—No, I cannot.

2962. Are you a freeholder of Queen's County?—I am not, though I have a freehold of 50 *l.* and could register it, but I am afraid.

2963. Why afraid?—Because I was afraid I should be compelled to vote against my will.

2964. By whom?—The body of the people, from what I saw at Carlow.

2965. Were persons compelled to vote against their will?—They were kept away, and a man might get his head broke if he went.

2966. You mean to say they were either prevented or forced upon that election?—Yes.

2967. Acting against their own inclination?—Yes.

2968. Was that to any extent?—To such an extent that Colonel Brain and other people stayed back and did not go.

2969. In whose interest were those people?—Decidedly not in the interest of the members returned.

2970. What county was it?—The county of Carlow.

2971. Do you mean to say that the members for the county of Carlow were returned by forcing people to vote, or deterring them from voting?—There was great intimidation exercised upon the freeholders, and such practices resorted to that the election did not go on as, in my opinion, it ought.

2972. You think that the freedom of election was interrupted by those proceedings?—Yes, it was; and for that reason I did not register my own freehold, because I did not think I should be allowed to use my own will.

Lona, 25th die Junii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Mr. John Edge, called in; and further Examined.

Mr. John Edge.

25 June 1832.

2973. ARE you aware of the custom of agents in Ireland exacting fees or lease-money to a considerable amount on giving leases?—I have heard such is the custom, and I believe it; I do not know it.

2974. Do you consider that practice injurious to the farmers or the landlords, or both?—To both.

2975. Have you heard that alleged as a grievance?—No, I have not.

2976. Have

Mr. John Edger.

25 June 1832.

2976. Have you heard of certain people going about the country and recommending the people not to apply to the magistrates of the country?—I do not know that people went about the country, but I know such a thing was done.

2977. Did a priest ever tell you that clerical courts had been established to settle grievances, independent of the magistrates?—A priest told me there were people attending his house for that purpose, such courts having been established, and that the attendance on him that morning was an instance of it.

2978. Do you think that such practices are likely to bring the magistrates into dispute in the country?—I asked the object of doing so, and the answer I received was, it would let down the consequence of the magistrate.

2979. Are you aware of the causes assigned for such an interference on the part of the priests and others?—That it was an easier way of settling private affairs.

2980. Are you aware that it was in consequence of the magistrates having memorialized the Government to take more coercive measures?—No, I am not aware of that.

2981. Were you in Ireland when the holy turf was sent about the country?—I was.

2982. Did you see any of it?—Yes.

2983. To what extent in your neighbourhood did the thing proceed?—It went over the whole country, so far as I have learned; not only the part of the country where I lived, but extended to distant counties.

2984. Had you any conversation with the persons carrying it?—I had.

2985. Did it appear to you that they had any understanding of what they were about beyond warning the people against the effects of cholera?—I cannot tell what their understanding was.

2986. Do you think there was any political motive?—I do think there was; I believe it was merely endeavouring to try the machinery of some further plot, to see how far it would extend.

2987. Do you conceive it was to put down the cholera?—I conceive not.

2988. Did it appear to you by that means that information could be very rapidly spread through the country?—Yes, it did, inasmuch as I have seen telegraphs along the road on the hills as I have travelled to Dublin.

2989. But those were not connected with the turf-runners?—No, but they were intended as means to convey rapid communication.

2990. Were the telegraphs erected by the persons that have been disturbing the public peace?—I cannot say.

2991. What effect had that holy turf on the minds of the people?—They appeared to be a good deal agitated; and I was told by a person I conceive to be very honest and candid, that there was a deeper view in it; and I was so alarmed myself that I spoke to the army in my house to request that they would be on the alert that night.

2992. Was your informant a Roman-catholic?—Yes.

2993. Had you any information from more than one?—No.

2994. Had the turf been served upon that person that told you?—Yes.

2995. Were the people in the colliery district in full employment when the disturbances broke out?—Yes.

2996. You do not consider that the disturbances were in consequence of want of employment?—Certainly not.

2997. You have stated what the wages were?—Yes.

2998. Will you state to the Committee what you would recommend to prevent these disturbances?—I have suggested to make a railway to Carlow to facilitate the carriage of coal and culm from the colliery, and give greater employment.

2999. That is a local thing?—Yes; I have further considered the subject, and I am of opinion that as Wicklow and Wexford have no manure but lime scarcely, and as the limestone is on the east side of Queen's County, adjoining the collieries, that if there was a communication made between these two counties and the lime quarries, it would give a facility to get manure for Wicklow and Wexford and give increased employment, as well as shortly repay the public expense. I am an advocate for all kinds of public works being proceeded with that will repay, but those that will cease as soon as the work ceases, I am rather of opinion that they are not useful, as they congregate persons together that would afterwards do mischief; I would be in favour of that which would give permanent employment.

Mr. John Edge.

25 June 1837.

3000. When did you first come to the management of the colliery you have been giving evidence about?—About two years ago or better.

3001. The people expressed a great desire for your undertaking the management of the colliery?—They seemed to be very much pleased with it.

3002. Did they not express the greatest joy upon your taking the management into your hands?—That was at the time I became a partner to it and it became my concern.

3003. Did they not testify that joy by chairing you, and receiving you with every degree of approbation?—They did; they kindled bonfires.

3004. You possessed then the confidence of the people?—I did, so far as I believe.

3005. And you attained that confidence by kindness to them and good feeling?—I had lived 20 years in the neighbourhood; I was cashier and paymaster, and they were pleased to say I dealt fairly with them.

3006. To whom did the colliery originally belong?—It was the Harpold Royalty, in the possession of Messrs. Bowen and Lackey, but let to the Grand Canal Company.

3007. Did they rent any land with it?—They did.

3008. Who lived upon the land?—A great many people.

3009. Were they employed in the colliery?—They were, the most of them.

3010. What were the conditions of their holding?—Every one, almost all were tenants at will; some held under an order made by the Company.

3011. Did they pay their rents regularly to the Company?—Indeed they did not.

3012. Was there any arrear due?—Yes.

3013. How did the Company act to obtain that arrear?—I was agent, and collected as much as I could, without doing what I might conceive to be a harsh thing.

3014. When you came into the management or partnership in this colliery, did you not promise to pardon those arrears that were due by those tenants?—Never.

3015. Was not it understood that these arrears were to be given up?—No; they were given up to Messrs. Bowen and Lackey by the Company.

3016. Did not the tenants understand there was to be a surrender or diminution of those arrears?—I believe they never had any reason to understand so; they might have chosen to understand so.

3017. Do you think they understood it; were there any reasons for your thinking that was the impression of the tenants?—Never; more than I have heard that they expressed a wish it was so.

3018. You never heard them express a belief that it would be so?—I have heard them express a belief or idea, that I conceive was founded upon the White-feet system, that it should be so.

3019. Did you ever tell them that the arrears would be called for?—Yes, as usual.

3020. You told them that upon coming into the partnership?—No; it was when a man demurred or disputed the payment of anything I told him that the arrears would be called for.

3021. You did not tell them that when you first came into the partnership?—It happened casually as the men came in; not more than to three or four during the whole time.

3022. What time was it after you came into the partnership; was it soon afterwards?—I should think half a year after that; it was when a man first demurred making his payment.

3023. When you afterwards called upon them for those arrears, were not the people much displeased, and did they not show their great dissatisfaction in consequence?—No, they did not, because it has never been enforced.

3024. It has never been enforced?—No, never.

3025. Do you think you have incurred, by the circumstance of having called for their arrears, any degree of unpopularity in the country?—I believe not; but I believe that they made it a point that if I would do so a certain punishment should follow.

3026. Was that the reason you did not call for their arrears?—It really was, in part; but there was another reason, and that was this, that I never did while I was agent to the Company, nor since that period, endeavour to get from a man

a man more than what was reasonable, and what he could fairly and honestly pay; it was upon that principle I went all through.

3027. You did not think it was reasonable in all cases?—No; I thought it impolitic to do it, and I would rather suffer the loss.

3028. You have suffered that loss?—Yes.

3029. Did it arise out of the notion that the rent was extravagantly high, or that there was any injustice in it?—No; it was upon the conviction of their poverty, and not being able to pay it.

3030. Then, on your saying you did not intend to call for those arrears, did^{*} they express any satisfaction in consequence?—There was no such understanding ever given; to this moment I never gave them reason to think so; the contrary is the case; the same line of conduct I pursued for 20 years I determined to pursue straight-forward still.

3031. Do they at present think they may have to pay those arrears?—Yes; many of them think that the Whitefeet system may put it down.

3032. In the former part of your evidence you said you thought you were popular, and in consequence of that the Company had selected you for the management of this concern?—No, the Company gave the collieries up to Messrs. Bowen and Lackey.

3033. You say that the people are now not pleased but discontented, under the apprehension that you will call for them?—I have said no such thing, to my knowledge; I stated that they did hold out a threat that certain punishment would follow if the arrears were called for.

3034. And they are still under the impression that you will call for those arrears?—Yes, some of them think so.

3035. You said others thought that it would not be called for in consequence of the system of Whitefeet?—Yes.

3036. Are you of opinion that the Whitefeet interfere in the arrangements of families, even so far as the wages of servants and the wages of labour?—I believe they interfered in most of the concerns of life.

3037. Do you think the people would be inclined to chair you now?—I think not.

3038. Do you think that the people, if left to themselves, would have undergone the change in their feelings that they have?—I am perfectly certain, if the people had been left to themselves, they would have the same feeling for me now that they had at the first.

3039. Do you believe that if you had told them when you first came into the management of the collieries that they were to pay up their arrears they would have chaired you?—It was a thing not thought of by anybody.

3040. Do you think if you had told the people the day you came into the partnership in the colliery you would strictly take up the arrears then due, that the people would have then chaired you?—No, not if I had told them I should use harsh measures; but it was a thing not thought of by them or me.

3041. Do you think it is a useful measure to restore tranquillity to leave tenants in doubt whether they are to pay arrears or not?—I do not know; it would be very hard to give an answer to that question; if the people in general conceived that they were not to pay arrears, in a little time they would pay no rent at all.

3042. You say that you think those arrears are unreasonable; do you think it right to leave them in doubt whether they are to pay unreasonable arrears?—I did not say I considered them unreasonable; but I said I did not wish to call from them what I thought might be unreasonable, what their circumstances would not afford.

3043. Did you think it was necessary to give warning on this occasion, any more than any other where there might be a lawful debt?—No.

3044. Is it not always understood that a debt will be called for?—Yes.

3045. Is it not the case with every legal debt?—Certainly.

3046. Is it understood that when a man owes another money it is necessary to give him warning that it will be called for?—No, not except in any law process; there is no legal warning, except that the agent gives notice, I will receive rent on such a day.

3047. You said you conceived those debts of such a kind you would rather lose them than receive them?—No; I said I would rather lose them than do what I conceived a hardship upon a man who was not able to pay.

Mr. John Edge.

25 June 1830.

3048. Were the persons in arrear generally of a description that you consider were not able to pay?—They were people that were both able to pay and those unable.

3049. Did you attempt to force any of those you considered were able to pay, to pay up their arrears?—I did not, and I conceive that a case of very considerable hardship upon me; there was a priest who held 45 acres of land; he gave me possession of the land, and his sister-in-law went and took forcible possession of it, and has it at this moment; she says, you may keep that, and I will keep this part.

3050. Did the priest pay you up his arrears?—I was perfectly satisfied; he did not pay the arrears, but he paid so far that I conceived he acted very fairly and honourably.

3051. You say that his sister-in-law has helped herself to a portion of this, and maintained forcible possession?—I did not make any resistance; she put her cattle on part of the land, and tilled more of it.

3052. Is the state of things about you such as to prevent your interfering with respect to that land?—Yes; it was so bad, that notwithstanding I had an army in my house, I thought it an imprudent thing to take any cognizance of it; and I would rather suffer loss than take any measures that might add to the disturbed state of the country.

3053. What induced you to take that part?—The state of the country.

3054. You are not so popular as you were?—No; nor I believe is there any man who means to do what is fair and honest in the country so popular as he was at that time.

3055. You are not aware that by any act of yours you have sacrificed your reputation as an honest and independent man?—No, I believe not.

3056. Have you pursued the same course that entitled you to their respect before?—Certainly; and there are many people in the country who would bear testimony to that effect.

3057. Was it the connexion between the woman and the Catholic priest that induced you not to take any steps?—It was the state of the country; I would rather do anything to restore order, and even suffer loss.

3058. Have you had any more difficulty on account of the connexion between this woman and the priest than in an ordinary case?—No, I believe not.

3059. If she had not been a relation of the priest would you have taken any steps against her?—No; I should have been disposed to assist the priest.

3060. If she had not been the sister of the priest would she have taken possession?—That I cannot say.

3061. Do you think, speaking from your own experience, that the employment of the people in public works tends to create a habit of improvidence, inducing them to depend upon the chance of employment, instead of exerting their efforts to provide themselves?—I think it might; I conceive that any public work that does not repay is, in the end, an injury, because it congregates people together who have lived tolerably well by the employment, and as soon as it ceases their whole employment ceases, and they are thrown upon society to do mischief; but if they were employed to do any work that would give any increased employment, or to improve the agriculture of the country, it would be of the highest use to Ireland.

3062. In point of fact, the scouring of rivers, the opening of roads, and draining of bogs, increases agriculture, and adds to the value of land, and brings the people into a more civilized and Christian state than many of the poor are at present?—Yes; but the great thing would be where there are large tracts of country that want manure to get an easy mode of conveyance; the roads between the eastern part of Queen's County, where the lime quarries are, to Wexford and Wicklow, are extremely crooked, with many steep hills; there happens to be a line almost level and straight in this direction, where a railway could be very well made for horses, not for steam-carriages.

3063. Is there manure more used in the mountainous parts of Wicklow, or that brings a better price than that you have alluded to?—Certainly not; every gentleman residing there knows the importance of it.

3064. What was the amount of rent that the Grand Canal Company charged upon which the arrear accrued?—I do not remember the total sum.

3065. What was the sum returned to you that you expected to recover?—I did not

not expect to recover half of what was returned to me; at a rough guess, about 1,000 *l.* or 1,200 *l.*

3066. How much did you expect to recover?—About half of it; some of the directors guessed that.

3067. What was the amount of the rent per acre?—The general price per acre was from 20 *s.* to 30 *s.*, according to the quality of the land.

3068. What would a man pay for a house and three acres of ground?—Where they built the house there was nothing charged for the house; it was only the price of the land.

3069. Do you mean to say that the highest price upon which that arrear accrued was 20 *s.* an acre?—No, I said from 20 *s.* to 30 *s.*

3070. Was 30 *s.* the highest rent upon which it accrued?—I do not recollect more, except in one instance of a priest's holding, but I cannot recollect the particulars exactly.

3071. You can recollect whether it was 30 *s.* or 60 *s.*?—It was no such thing as 3 *l.*

3072. Was it supposed in the country that these people had the land at a fair price?—Lately I never heard them complain of it; they did complain while I was agent, and I was ordered to examine the holdings and report what I conceived to be a fair price, and I got the managers of the colliery to go over with me, and we reported to the Canal Company, and they set it at a fair sum.

3073. How came you, being agent, to let there be such arrears?—They could not pay, they were too poor.

3074. You said they were in the habit of earning from 3 *s.* to 5 *s.* a day?—From 1 *s.* 8 *d.* to 2 *s.*, where they were employed by the day.

3075. Did the arrear accrue upon those not employed?—In a great measure upon those not employed, and some upon those that were.

3076. Could those not employed get employment?—Yes, they could.

3077. Do you attribute it to a spirit of laziness?—I attribute it to their drinking, and not leaving a fund to pay their rent; they complained if I would attempt to stop the rent, that it would be a drawback upon the works, and I was not allowed to withhold rent from them, although it was conceived that they were able to pay.

3078. Did the tenants object to your holding back a certain sum weekly to pay the rent?—Yes, they did, while I was agent to the Company.

3079. Did you ever say, I will employ all those honest men that will let me keep a certain portion of their wages in my hand, and not employ those that will not let me do so?—I was not the employer.

3080. Did you recommend the employer to do so?—Yes, I did.

3081. Did he do so?—Yes, in some cases he did; in others he did not think it was for the good of the work.

3082. Then if an arrear accrued it was more the fault of the persons in the management than the tenants?—No; I conceive he thought he was doing what was best, though he might be in error; he wished to do the best; he thought if there was any part of the wages withheld, it might stop the whole crew in working. The colliers are a different description of people from the other parts of society, and you must understand them to manage them.

3083. In the 20 years you were there before, did you find as much difficulty in getting the rents paid?—Yes, always the same thing.

3084. How many years was this rent accruing?—When I first commenced, the arrear was as much as when I parted with it.

3085. The objection of the tenantry was an objection to your recovering in one year the amount of the arrears of several years?—No; the objection was to recovering any.

3086. Did any of them agree to pay anything?—I never heard that they promised; they never told me that they would not; but they held it out as a threat, that if I was to enforce it, the consequences would follow.

3087. Did you think some of them were able to pay it?—Yes.

3088. Did you attempt to enforce it against them?—No, never.

Colonel Ralph Johnson, called in; and further Examined.

3089. YOU have said there were not any people removed from your brother's property in consequence of their refusing to send their children to your brother's school; were any dismissed from the work in consequence of it?—Yes; at the

Mr. John Edge.

25 June 1832.

Colonel
Ralph Johnson.

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Colonel
Ralph Johnson.

15 June 1832.

spur of the moment, I believe almost all the labourers were dismissed. I do not know it for certain, but I firmly believe they would have been brought back in a short time; but the school-house was burnt, and there were subscriptions set on foot for them by some people in the country: this irritated my brother, and they were not immediately brought back; but there are now, to my knowledge, I think, the members of eight or nine families in the employment, that must have, I suppose, offended in the same way as the others; and if I recollect right, they could not have been removed off the ground, for I believe that almost all of them were absolutely freeholders; and it was, to my certain knowledge, my brother's intention, at the death of my elder brother, when he got the management of my father's property, to remove all the people by degrees off that part of the property, and bring the whole into the domain; and whether the school ever had been in existence or not, I am perfectly satisfied that they would have been removed; any person who has seen the ground must agree with me.

3090. Supposing that those people, from a conscientious feeling, did not wish their children to attend this school, do you not think it would naturally cause irritation among the peasantry that they should be deprived of their employment because they did not send their children to a place that they did not approve of?—I do; and I think if the thing had been considered it would not have been done, but it was done at the spur of the moment; and I do not think that it would have been persevered in but from the circumstance of the school-house being burnt, and the subscription of money; there are several people, and several of the children, that I have stated were provided for, were absolutely those children whose parents had refused to send them; so that I hope that clearly shows the Committee there was not any vindictive or improper feeling towards them.

3091. The fever of the new reformation was very strong throughout the country at that time?—I am not quite certain; I was not at home at the time.

3092. You have spoken of a subscription; what were the objects of that subscription?—To keep the labourers.

3093. By whom was this contribution made?—By the agitators, I believe, who were then interfering in those sort of things; they were not as well organized then as they now are, and many moderate men among them have lately left their ranks.

3094. You have stated that the removal of those tenants from that ground that has been subsequently taken into the domain was decided upon long before any difficulties arose as to the school, and that it was not the consequence of it?—In 1825 I heard my brother say that he would take that part into the domain, and the school-house, as well as I recollect, was burnt either in 1826 or 1827.

3095. The subscription was made in the chapel?—I do not think it was.

3096. Do you not think it a natural thing, that if persons of the same persuasion believed that those men were suffering for what they believed to be conscientiously right, that they should subscribe to support them to give them the means of subsistence?—I have no objection to their doing it.

3097. Have you heard or known of agents compelling tenants, farmers, to sign petitions, and to attend meetings on politics, contrary to the wishes of those tenants?—Yes, I have known two agents do it.

3098. Can you state what the consequences are of such conduct on the part of agents upon the feelings of the farmers?—I conceive that it engenders party feeling, which is most injurious to the country, and it must take farmers from their occupation and employment, consequently do them mischief; and I know people who have been compelled in that way to attend, who complain most bitterly of it, people who never interfered directly or indirectly in politics, and I firmly believe never wished to do so.

3099. Is it your opinion that those agents exert themselves, as far as they might do, to put down the disturbances in the county?—I think such conduct as I have represented, so far from suppressing disturbances, excites them; that it produces party feeling and irritation, and makes farmers embark in matters that they have no business to meddle in, and that I know they do not wish to meddle in.

3100. Have you known instances of agents obliging tenants to vote at elections contrary to their feelings and opinions?—I cannot say that I know it positively; if you refer to Queen's County, I should say quite the reverse.

3101. The question was general?—No, I do not know it.

3102. Do you believe it is the practice of agents in the Queen's County, as in other counties at the time of elections, to induce the tenants to vote at the elections

Colonel
Ralph Johnson.
25 June 1838.

tions for their landlords?—Some of them have tried to do so, and have failed; and other agents, to my certain knowledge, have induced the tenantry to vote diametrically opposite to the wishes of the landlord.

3103. Do you not think that such interference either way is equally objectionable in the case of elections as in the case of signing petitions?—I do not; I think that election time is a time when there is always a degree of excitement, and we must allow a good deal for what occurs then; but to keep the country in a constant state of ferment by this agitation is highly injurious to the peace and welfare of the kingdom.

3104. Do you not think that the one implies a falsehood and the other does not; that in the case of a petition it implies a falsehood, and in the other case, of a man voting at the instigation of his landlord, it implies no falsehood?—Certainly.

3105. Are you aware of printed lists of the freeholders that voted at the late election in the Queen's County being distributed, and what were the consequences of such lists being distributed?—It has caused the greatest animosity between the different parties; and I know of individuals who have been ruined by their names being published, and notes put opposite to their names, directing the people not to deal with them, and others to mark them.

3106. What do you mean by the interference of agents?—An improper interference, as compelling tenantry to vote or attend contrary to their feelings.

3107. Will you define compelling?—Telling them to refuse doing it at their peril, which was done.

3108. You have stated that it was not equally improper getting a tenant to vote against his will and getting him to sign petitions against his will; do you not consider getting a man to give his vote contrary to his inclination is a more important interference by the landlord, or his agent, than getting a man to sign a petition contrary to his inclination; which do you consider of the greatest importance, a landlord getting a man to vote, or signing a petition?—I should say asking a man to interfere in politics, that he did not wish to do, or asking a set of men to interfere in politics, that they did not wish to enter in, would do more mischief in the country.

3109. Just confine yourself to the difference between signing a petition and voting.—Custom would make me say that the compelling a man to go and sign petitions contrary to his wishes was unjustifiable.

3110. Do you know of any witnesses in the Queen's County having been withheld whose testimony would have been valuable in bringing offenders to justice?—I know of approvers being withheld that are now in goal, for this reason, that there is not sufficient evidence to bring the people to trial or to conviction, consequently that it would be wrong to take them up, and approvers are detained in goal till further evidence can be got.

3111. Is it your opinion that any magistrate in the Queen's County has relaxed in his exertions to bring offenders to justice with a view of embarrassing the present Government?—I do not think there is a gentleman or magistrate in the Queen's County capable of such base conduct; and I think the man who would suppose it of them would himself be more likely to do it for his own ends. I declare to God, if I knew of any magistrate in the Queen's County doing so, I would feel it my duty to report him to the Government. When the disturbances assumed the desperate character they have lately done, one of our county members was one of the Administration, and, with the exception of one magistrate, every one who voted at the election supported that gentleman; and at that time it was well known he would support the present Government.

3112. You have said that the Whitefeet system is a system of terror or intimidation; do you mean that the Committee should understand it extends to other matters than political subjects?—Yes, it extends to every relation of life; a man cannot keep a servant, he cannot use his farm to the best advantage.

3113. You mean to say that everything must be done in the relations of private life under the control of agitators?—Yes; exactly in the same manner as it was begun by those demagogues and agitators. They began their work by intimidation, exclusive dealing, and so on; and the Whitefeet have carried on their rural war from the example set to them.

3114. Do you consider there is any connection between the Whitefeet and those you call the agitators?—I only connect them in this way, that they have the same system; it is that of intimidation.

Colonel
Ralph Jackson.

25 Jan 1832.

3115. You are aware there was an attempt to form an armed association in the Queen's County?—Yes, I have stated one.

3116. Do you know of any other?—Yes; Colonel Weldon and Mr. Pope attempted to get one up in their part of the country, and the farmers and the priest of the parish attended: a prospectus of the association was laid before them; they took it and promised to meet them on a certain day; from that day to this they never have met them; and I will take the liberty of mentioning now, that it has appeared in the report of an honourable gentleman's speech, that so tenants of his had volunteered to do so; they never applied to me, who am the nearest magistrate, and I have asked the magistrates in other parts of the country, and they never applied to them.

3117. Were you in the country when the Blackfeet society was first commenced?—There were both Blackfeet and Whitefeet.

3118. The Blackfeet in the beginning were opposed to the Whitefeet?—They were; the different parties were always fighting at fairs.

3119. They were two fictions?—Yes.

3120. Do you conceive that the Blackfeet, being opposed to the system of swearing and interference introduced by the Whitefeet, that the magistrates considered the Blackfeet a less wicked body than the Whitefeet, and did not treat them with the same severity?—At first there was that impression, but only at first; afterwards it was found that they were constantly fighting, and whenever they were laid hold of they were punished as severely as the Whitefeet.

3121. Do you not conceive it very injurious that magistrates should suffer any society, no matter of what kind, to continue with impunity in a country like Ireland?—Unquestionably I do; but the ideas of magistrates at that time regarding the Blackfeet and Whitefeet were, that the Whitefeet were associating together for crime, and that the Blackfeet had associated together to resist their being embodied in the Whitefoot association.

3122. Do you believe that was the origin of the Blackfeet?—Now I do not; but we thought it was at the time.

3123. Would you not attribute the head to which the disturbances have come to that unfortunate mistake on the part of the magistrates?—No, I would not; for as soon as ever we found that they were fighting in this manner we punished them equally.

3124. You stated at first, the magistrates did not look upon the Blackfeet in the same light as the Whitefeet?—No; we thought the Whitefeet were heading the Blackfeet into their associations, and that the Blackfeet combined to resist those associations; not to resist them, but to prevent their being forced into their body.

3125. Do you believe it would have been better for the peace of the county if the magistrates in the beginning had equally suppressed both with the same severity?—Yes, I think it would.

3126. Have you observed in the course of your residence in Ireland, that the system of public houses is extremely defective?—Very much so.

3127. Is it the common practice to license houses for the sale of spirituous liquors in remote parts of the country, where accommodation is not required for travellers?—It is very much so; and in the district of which I am magistrate we took up a murderer and two men for robbery, and several other criminals, out of public houses of this description.

3128. Then the licensed houses are receptacles for the worst characters in the country?—Decidedly.

3129. Do you not think it would be a considerable improvement if the licence to sell spirituous liquors was confined to the great roads where travellers pass, and that the licences in the remote parts of the country should be confined to the sale of beer?—I would go further, and not give a licence to anybody, except in a town; I would not give a licence on the road at all.

3130. Do you think that would lead to any material inconvenience?—No, certainly not.

3131. Would you approve of licences given in the remote parts of the country for the sale of beer that are now given to bad characters for the sale of spirituous liquors?—Not to people of bad character under any circumstances.

3132. You would give a stronger power to magistrates to investigate into the character of persons before they granted a licence?—Yes; it is exceedingly unpleasant

pleasant to the magistrates; they are insulted by attorneys when they appeal to quarter sessions.

3133. If magistrates can show good ground for refusing a licence, would not the assistant barrister refuse to sign it?—Yes; but the magistrate is liable to a great deal of unpleasant language from attorneys in defending those people, and such as no gentleman likes to submit to.

3134. On the bench?—Yes; I have seen it to a great degree, and done in such a general manner that you cannot stop the attorney.

3135. Do you not think that it would be only just, when magistrates refuse a licence, that they should show good cause for doing so?—No doubt.

3136. Have you experienced inconvenience in getting licences withheld when you believe there are sufficient grounds for it?—Yes.

3137. You would not recommend that the public-houses for the sale of whiskey should be prohibited in small villages or in districts off the roads?—Yes, in districts off the roads I would.

3138. Would it not subject the peasantry to great inconvenience, and the resident farmers, by compelling them to send a great distance for spirits?—No; when you consider the mischief done, it would be better to put the farmer to a little inconvenience than permit the mischief that arises from it; in every instance where people have been taken for being out by night with arms, spirits have been found with them; several farmers have spoken to me on the subject, and requested that such licences should be withdrawn.

3139. The thing to be considered is the character and respectability of the farmers that have the licence, rather than the place where the public-house is situated?—A man cannot keep a public-house if he sticks too scrupulously to whom he sells spirits.

3140. You have alluded to an armed association that was proposed to you in June last?—Yes.

3141. Could you state what particular steps were taken to effect that desirable object; to get the tenantry on the estates to form that association, was any application made to the landed proprietors or not?—If I am not very much mistaken, the resolutions that were adopted at the meeting of magistrates were sent to all the landed proprietors, and the landed proprietors were then put in possession of the state of the country, and they were requested to subscribe for the suppression of crime; and I will add that very few of the absentees subscribed. I cannot say whether the absentee landlords were invited to use their influence with their tenantry or not; but the tenantry in the districts were first spoken to, and then the intention was to have called a meeting of the whole when a sufficient number of proper names were put down, and to have gone on by degrees.

3142. The question is not as to the subscription, and placing a fund in unknown hands to be disbursed in unknown ways; but the question is, whether the individual landed proprietors having been called upon to call upon their tenantry to unite with this association, had declined to do so?—I am not aware of their having declined calling on their tenantry to join the association, nor do I believe they interfered one way or the other at the time.

3143. Have you any doubt if they had been called upon 12 months ago, and had gone to their tenantry, that there would have been no difficulty in forming an association such as you have described?—I think they could not have formed it if once the agitators had declared against it; for where there were gentlemen residing on their properties I have given instances of their feelings; with regard to Mr. Grattan's property, I have no doubt a number would have joined.

3144. Do you not think it would be most desirable, and one of the most effectual ways of preserving tranquillity, the establishment of an association of that kind, making the individuals upon the property act to preserve the peace and prevent outrage?—I think it would be most desirable to form an unarmed association, but a very dangerous thing to give them arms, as they would be taken from them, even in the day.

3145. Is there any force of police or military that would be sufficient to cover the whole country and keep out the marauders?—Undoubtedly not.

3146. You would recommend the thing to be done?—Yes, and I would join them myself.

3147. You have said just now that you thought that societies of all kinds were prejudicial to the peace of the county; do you intend to include strictly legal societies not bound together by oath, such as farming societies, and Bible societies,

Colonel
Ralph Johnson.

25 June 1832.

and so forth?—I do not include farming societies or Bible societies; what harm could they do?

3148. Do you mean societies bound together by oath?—Yes.

3149. You spoke just now of armed associations, and you stated also that the agitators had shown an objection to them, and that from that time it was impossible to form the body that was in contemplation; do you not think that if there had been confidence between the gentry and the people of Queen's County that these objections would not have arisen from the agitators among the people?—Originally no people could be on better terms than the gentry and the farmers of Queen's County, until their minds were poisoned by those abominable people; but now I conceive that gentlemen have completely lost the influence that they had over their tenantry; and really I scarcely blame the farmers, for they dare not refuse to comply with the dictates of those people.

3150. At what period did this change occur?—I should say about September or October 1830; it was then that they began their agitation; they agitated the Reform Bill and the repeal of the Union, and they set up a gentleman for the Queen's County, and there was a great deal of excitation in the Queen's County in consequence of all those things.

3151. You have stated a great part of those disturbances are owing to this agitation; should you say previously to 1830 a similar degree of agitation was observable in the county?—Certainly not; nothing at all like it.

3152. You attribute it to this election that took place in the county?—No, it was before the election was thought of.

3153. Was not it in connexion with the election?—Certainly not; at that time the election was not thought of; the contested election did not take place till the spring of 1831.

3154. Do you think that the description of persons now engaged in these outrages expected to gain more from Catholic emancipation than they have gained?—Yes; I have stated that the lower orders expected a great deal from emancipation, and that they found they were deceived by it; and for the other promises held out to them by the agitators they are pursuing precisely the same line of conduct that those agitators did, that is, intimidation in their usual manner.

3155. What do you conceive to have been the promises held out by the agitators at the period of emancipation to the peasantry?—Heaven knows! I was quartered at Outward immediately after the bill passed; the collector went often into the country, an entirely Catholic one, to collect the county cess; they said, "Pooh! we have nothing to say as to cess since the Catholic Bill has passed."

3156. Who said so?—The country people.

3157. Not the agitators?—No; the country people said, "We have nothing to say to cess; has not the Catholic Bill passed? and we will neither pay tax nor cess;" and they were obliged to get a large force to enforce it.

3158. Do you mean to say that it was held out to the country people that there was to be a cessation of taxes and cess?—No, but they thought it would be.

3159. Did they not consider it to be merely the foundation of all the good that was to follow?—I hope the good may follow; but it is not coming very fast.

3160. Do you think if a parish was to propose a certain number of heads of families, in vestry, to the magistrates, and the magistrates were to select from those, do you not think that a good constabulary force could very easily be formed, and that the people would fully assent to such an arrangement?—I do not think it would amount to a constabulary; I think if it was entered into properly, it would unite the people together, and be a most desirable object.

Jovis, 26^o die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

The Rev. *Nicholas O'Connor*, called in; and Examined.

3161. YOU are the priest of the parish of Maryborough?—Yes.

3162. How many years have you been so?—Sixteen years.

3163. Is that an extensive parish?—It is pretty extensive; there is a dense population, rather than a great extent.

3164. Is not there a union of the parishes?—I cannot call it so; according to the Protestant division of it, there is a union of six parishes, but I never knew any Catholic union.

3165. It is in the diocese of Dr. Doyle?—Yes.

3166. That is the diocese of Loughlin and Kildare?—Yes; it belongs to that portion called the diocese of Loughlin.

3167. The county was usually quiet up to a late period?—It was perhaps the most peaceable county in Ireland.

3168. At what time did the change take place?—About the year 1822; having heard there were illegal societies in other parts of the kingdom, and from Maryborough being such a thoroughfare between Dublin and Limerick, and having eight fairs in the year, two assizes and four quarter sessions, I considered that it was very difficult for Maryborough to escape being infected, from the constant intercourse it had with other parts of the kingdom; and as I thought that prevention was better than remedy, I was determined to speak to my parishioners against illegal societies. I spoke against the illegal oaths, and the crime of perjury that was committed in taking them. In the year 1822, during the incumbency of Mr. Waller, the Protestant clergyman of the parish, I heard, from a private communication, that there were some persons made Ribbonmen in the parish. I consider Whitefeet and Blackfeet and Terry Alts, under whatever denomination they may be, pretty much the same, and having the same illegal objects in view, except the Blackfeet, who did not take an oath, but took a declaration equal to an oath, in the latter part of their proceedings. They made a vow on their knees, and promised that they would follow a captain or leader. I was informed who they were, and I went individually to them; there were about the number of 12 in Maryborough, and perhaps in the whole parish they amounted to about 20. All except two, who were strangers, promised me they would abandon their bad practices; they admitted that an oath could not be a bond of iniquity, and I was very glad to hear them say so. The two persons who infected the parish denied their misconduct; all the others acknowledged everything. As I could have no hopes whatever of the conversion of the two strangers I allude to, I denounced them on the Sunday following in the chapel. I exhorted the people as strongly as I could against all such societies, and such oaths; I said that they were detestable in the sight of God, and injurious to themselves in every point of view. I did this in the three chapels belonging to the parish. The Protestants of the town, with Mr. Waller, the clergyman, sent a deputation to me to know in what manner I would receive an address from them; that they considered I was watching over the peace of the county so much, that I deserved some mark of their gratitude. I said I would decline it; that I felt very grateful for the disposition shown to me, but I wished rather to live a retiring life, except where my duty called for my exertions.

3169. Did your exertions produce a check to the progress of the conspiracy?—Yes, the parish remained very quiet; I was determined, by denouncing these persons, to intimidate others from coming to introduce any such system into the parish.

3170. Do you mean such persons as the two strangers?—Yes; one was from the county of Tipperary.

3171. Did they show any resentment towards you?—Yes; the man from the county of Tipperary threatened my life, and I kept out of the way some time; but I hope I would not shrink from my duty if I was to lose my life; if I considered it such I would not be stopped by threats.

3172. When did the Whitefoot association show itself in the county?—The parish

Rev.
Nicholas O'Connor.
28 June 1832.

Rev.
Nicholas O'Connor,
25 June 1832.

parish remained quiet until 1825, and then the declaration and oath of the Duke of York in the House of Lords against the Catholic question embodied all the Catholics of Ireland, and all the liberal Protestants joined them, and they were determined to continue their exertions, and no one more so than myself, until the time the emancipation was granted; and from that time there were constantly public meetings held in the parish, and at those meetings grievances were stated and made the most of. At that time commenced the turning out of tenantry; the agitators exhibited the misery of the poor in very glowing colours, and this contributed to excite the minds of the people. The country remained quiet without much public demonstration of mischief until the year 1827.

3173. Do you allude to the period when the Catholic Bill, having been passed in the House of Commons, was thrown out in the House of Lords?—Yes; when that oath of the Duke of York was uttered, which I regretted very much, because I would expect better example from such high quarters. I have seen that precedent too much imitated since.

3174. Did the feeling that was produced by the loss of the Bill that year among the Catholics lead to the conclusion that there was no chance of carrying the Catholic Bill, except by embarking in agitation?—Yes, except by very general agitation, which extended to every grievance of the people. One of the most prominent in my parish was the turning out of tenants from Major Cassan's estate, to the number of 27 families; he had a Kildare-street school, and he said that no one should be on the estate that would not send his children to that school; there were other ejectments before that, to the number of 12, on a small farm near the Rock of Donamore, on Mr. Cosbie's estate; most of those people became very violent Whitefeet, and I know some of them still belong to that association; such as remained in the parish, and wherever they go to, they follow the same practice; the burning began in 1829 on Major Cassan's estate.

3175. Has the system of Whitefeet continued ever since?—Yes; the first meeting of them by day that took place was at Dysart; the man that headed them had white stockings, and they were first called Whitelegs from that circumstance. I am told that white stockings are still an emblem of that society.

3176. To whom did Major Cassan let the land on the ejectment of the tenants?—He let it to Protestants generally, and the people considered it was through hatred to their religion that he ejected them.

3177. Did not they owe some rent?—Yes, they did; but the land was set at 30s. an acre, and it is now let at 22s. He and other landlords kept up the war prices, which has caused great evils in the country. The land let for 27s. at that time is now let for 18s., as I am informed.

3178. What sort of land is it?—Very poor land.

3179. He has let the land cheaper to the Protestant tenants than to the Catholic tenants he ejected?—Yes.

3180. Are they a more wealthy description of tenants than he had before?—Yes, they are; the others were ruined by a high rent.

3181. Is it the custom in the Queen's County to give a preference to those tenants that are able to lay out money to improve the estate?—Yes, it is; but there is the cruelty of turning people out on the road without any provision whatever. I am accounting for the disturbance in the county, and I know those who were turned out have become Whitefeet.

3182. Do you know whether this gentleman let them go with their arrears, or did he make them pay?—He made them pay all he could.

3183. Did he seize their cattle on the ground, or their potatoes?—He took even the manure from a Widow Cahill. The lease terminated on the death of her husband, and four days after his funeral he gave her notice to quit, and whatever they did not remove he took for the rent.

3184. Did he keep anything but the manure?—I do not know that anything else was left on the land.

3185. Is it customary for the landlord to seize upon the manure?—I do not know that it is.

3186. Did you ever hear of it before?—I do not remember an instance of it. I know an instance of one landlord who gave an allowance for three years to persons he ejected.

3187. Were there many instances of the same sort?—There were 12 families near the Rock.

3188. Were there any more in the county?—Some few more.

3189. Is

3189. Is it the practice generally to eject large numbers of the tenantry in the Queen's County?—The first instance I mentioned was on account of not sending children to a Kildare-street school. I know of no other instances within my parish. When the evidence of Captain Pringle appeared, which was given before the Commissioners of Education, and the artful system of proselytism that he advocated, he appeared to be a principal instrument in the hands of the Kildare-street Society; and he said in his sworn testimony, as I understood, before the Commissioners, at least it was published as such, that the society preferred persons nominally Catholics, but Protestants in their hearts, to professed Protestants, because they were better calculated to bring over the children; and he said also that they first began by tampering with the masters, keeping them from the priests and confession, which lead to utter abandonment. After this, of course the Catholic clergy and parents could no longer keep terms with such a society, so as to let the children go to their schools; they both withdrew the children from the Kildare-street schools in every instance I know of. There was another instance of punishing parents for withdrawing their children from a Kildare-street school, near Stradbally, by Mr. Edward Johnson, with whom I had a negotiation upon the business. I thought to reconcile him to his tenantry. I waited on him, and explained to him, with regard to the Bible, that our system was not to have it read without note or comment, and that I hoped he would not do so harsh an act as to turn away his tenantry for practising what their consciences dictated; and I think I would have settled it with Mr. Johnson but for some of his friends. He told me his brother, the Rev. Hunt Johnson, was in Abbeyleix, and he would speak to me about it when he would consult more of his family. I wanted to have an interview with Mr. Hunt Johnson, but I could not obtain it. I thought we should have so settled it that he would not press the reading of the Scriptures without comment in the school; however, the result was that Mr. Edward Johnson promised to make a communication to me upon the subject, but that communication was never made, and the public say that several clergymen of the establishment were consulted upon it, and that they prevented any amicable arrangement. Those persons were all turned out of their houses; most of them went towards the colliery district, and have become leaders of the Whitefeet. When men become reckless of character and principle by intolerable misery, they disregard every moral obligation.

3190. Are these Whitefeet managed by any committees?—No, there are no committees among them; if they find a grievance they communicate it to others, and strangers come, sometimes by day and sometimes by night, to execute their vengeance, but of late most of the outrages, and the worst of them, have been committed by day.

3191. Have they any concert or plan of acting?—None, but what they devise amongst themselves on the spur of the moment.

3192. What are the principal objects they have in view?—To keep themselves upon their lands. I have often heard their conversations, when they say, "What good did the emancipation do us? are we better clothed or fed, or our children better clothed and fed? are we not as naked as we were, and eating dry potatoes when we can get them? Let us notice the farmers to give us better food and better wages, and not give so much to the landlord and more to the workmen; we must not let them be turning the poor people off the ground." Then some of them that went to England, and saw the way the English labourers are fed and clothed, came back and told them, "If you saw the way that the English labourers lived, you would never live as you do;" and some person from another part of the country told them that they managed things a great deal better; that the way "was to swear to be true to each other, and join to keep the people upon their ground, and not let the landlords be turning them off;" then proposed that they should meet at some shebeen-house, of which there are too many unfortunately in the country, or some licensed house of low description, where they get drunk and become demoralized, and thus they are seduced into the Whitefoot system.

3193. By what means do they carry forward this system of interfering and regulating what they conceive to be their own interest as to land, wages and other matters?—I do not know of any other way than that persons near the place do not appear in those outrages; they generally send a communication to some five or six or ten miles off, and they came in a body to effect their purpose.

3194. Do they endeavour by force and by intimidation to obtain what they wish to have done?—They generally first serve a notice, and if that is not obeyed

Rev.
Nicholas O'Connor.
28 June 1832.

violence follows; this notice is accompanied generally with a picture of a coffin or some emblem of death, and they write, that if they do not do what they require within a certain time, to prepare their coffin.

3195. Has this been done indiscriminately on Catholic farmers as well as on Protestants?—I believe, if there is any preference given, the Catholics get more notices; the Whitefeet are most liberal people, for they make no distinction between Catholic and Protestant.

3196. Are not the punishments they inflict in case of disobedience to their orders of the greatest atrocity, assassination, &c. &c.?—Yes; generally beating, which sometimes ends in death.

3197. How does it happen that these violences make so much progress; is it because the laws are not sufficient to put them down that they are not checked?—I cannot account for it otherwise than by saying the people are afraid to give information; they bear with the injury for fear they should be murdered if they give information.

3198. The dread of punishment for giving information prevails to such an extent as to render the laws inoperative?—Not entirely inoperative, because they have been executed in many instances.

3199. But inoperative in the first instance, until the system gained a great height and has established itself generally?—Yes, it has established its empire over the whole county.

3200. It has established itself over the whole of the Queen's County?—Yes.

3201. You have alluded to the spirit-houses; do you consider them a great evil?—I consider that the facilities with which licences are obtained in the country are a great injury to the morality of the people: I conceive if whiskey could be put out of the reach of the poor, if the revenue would allow it, and some of the good ale of England substituted instead of it, it would be doing an essential service to the community in Ireland; in country places there cannot be proper houses, unless they are of a very respectable class.

3202. Do you think that the system of licensing should be altered, that it is too lax?—No person should receive a licence except he had a very respectable character.

3203. Do you think the excise officers exert themselves to put down the shebeen-houses?—I do not know that they are apprised of them; I never let one of them pass myself that I do not speak against in public; I know the mischief done to the people by them; and when they escape any notice, as sometimes they do, it must be more difficult for the revenue officers to know them. I request the people to give me information, but they are almost afraid to do it.

3204. Do the police exert themselves much in stopping those unlicensed houses?—I do not think that they interfere with them.

3205. You recollect the state of the country when a smaller number of houses were licensed, before the cheap licences were granted?—Yes.

3206. Which do you think was the greater evil of the two, the small number of houses licensed at a high rate, which caused the sale of a great quantity of illicit whiskey, or this cheap system of licensing?—I think that the potest has nothing to do with those houses, whether they are shebeen-houses or licensed houses of a low description; they all sell a bad spirit, half vitriol, by which those people are deprived of reason, and after having been intoxicated during the night they are prepared for every outrage. My observations only extend to houses that are in the country, not as interfering with the houses in towns; but I know that proper houses cannot be kept in the country, because they are unable, even if they were well disposed, to resist the intimidation that would be used to them.

3207. Then it is your opinion that solitary houses ought not to be licensed, except where there are moral and good people to conduct them?—Yes; and unless they are above intimidation, by living in slated houses.

3208. Are there as many illicit houses now as there were when you first came to the parish?—The shebeen-houses of former times have obtained a licence on account of its cheapness; it is rated, I believe, according to the valuation of the house: there are a number of these houses in the country, where the people are first incorporated into the system of Whitefeet.

3209. What impression did the convictions at the assizes produce?—The country has become more tranquil, when convictions take place; the clergy impress on the people the sad consequence of their evil ways. I have read to them Dr. Doyle's letter, which he has requested should be read two successive Sundays.

Sundays. I have read portions of the charge of Baron Smith, and of the Chief Justice; our great object was to show them that they could not succeed in any one of their projects; in every instance, the contrary of what they wish should be done. Mr. O'Reilly of the Henth has had some land tilled lately, which the Whitefeet opposed, on Lord Maryborough's estate; and if we had every landlord in Ireland like Lord Maryborough we should have no Whitefeet; he has a number of widows, to each of whom he gives a house and an acre of ground: there was an estate of his out of lease, and the people wrote to him, entreating not to be dispossessed, and he informed his agent that it was his wish that the poorest man upon his estate, as far as in his power, should be made as happy as the rich; and the people were very grateful; they wished an address to be sent to him, and they requested me to present it, but I would not do it, as an outrage had occurred on his estate, though not by his tenants: some time after the magistrate went and was the first to dig the ground; the people were glad of an excuse to come out with him, but they were afraid to do so before, as some had been beaten for a similar attempt. There was only another field in the parish that remained untilled, it was on Sir Henry Carden's estate. I got the persons who kept it untilled and some of the heads of the Whitefeet in that district to do the work.

3210. Was this on ground that they had given notice that it should not be taken?—Yes.

3211. When did Dr. Doyle make this address to the people you allude to?—He made three addresses; the first was to the people at Lug-n-Curran, in November 1829, that was his first address to the people on this subject; the next was in the year 1830, the summer following, and on his visitation in every chapel he spoke against them; and his last address was after the conflict at Comer in November 1831.

3212. Was his address circulated through all the parishes?—Yes; he came to Maryborough about two months back, and made an address to the people there that caused a great sensation among them; there was an officer, Major Anderson, listening to Dr. Doyle, and he requested me to apply to Dr. Doyle to have his address printed and circulated; he is a magistrate in the parish, and he thought it would do a great deal of good; I applied to him, and he wrote the address, which he required might be read twice in the chapels.

3213. Was it printed?—Yes; I have it here, which I can produce.

[*The Witness delivered in the same.—Vide Appendix.*]

3214. Have you a copy of the original pastoral by Dr. Doyle that was levelled against tithes?—No, I have not; if I had the document I should give it with pleasure.

3215. What effect did those addresses of Dr. Doyle produce upon the Whitefeet?—They had a very good effect.

3216. Would they have succeeded in quieting the country without the commission?—No, nor do I think they would, nor do I think that both together will quiet them without other measures.

3217. Were the people dissatisfied with Dr. Doyle or the Catholic clergy at the efforts they were making to suppress those outrages?—Yes; they were not pleased; they saw me speaking to the magistrates. I had a plan for the pacification of the country, which I submitted to Lord de Vesci, and which I wished him to submit to Government.

3218. Is that the letter to Lord de Vesci that you have in your hand?—Yes, the letter the Catholic clergy addressed to him; a deputation of the priests waited on him belonging to the district of Maryborough.

3219. How many of them?—Some that were absent commissioned us to speak in their name; I believe not more than five or six waited on him, but we had the authority of the other gentlemen, that whatever measures we concerted with him that they would adopt them.

3220. Was their concurrence given?—Yes, it was, and is given still.

3221. Throughout that part of the diocese?—Yes, throughout the whole of the disturbed district of Maryborough.

3222. Have you got that paper?—Yes, I have; I found there was some observation made regarding our proceedings, that we wanted to arm the Whitefeet. Our resolution was, "That however reclaimed they might be, that the Blackfeet or Whitefeet should never have a share in restoring the country to peace." Those observations, which I heard were made by some gentlemen, induced me to

Rev.
Nicholas O'Connor.

28 June 1832.

write this letter to the editor of the *Evening Post*, which, if it be the wish of the Committee, I shall read.

3223. Will you read the letter to Lord de Vesci?—*My Lord*, we, the undersigned, Roman-catholic clergymen of the district of Maryborough, in compliance with the recommendation of the Rev. Dr. Doyle, having contemplated the deplorable state of the country, having witnessed with horror the insecurity of person and property, and the increasing commission of outrage, resolved to attempt the formation of a protecting society, composed of all good men of every class and creed, without distinction. The object of this association is to traverse the country by day and by night, and to co-operate with the constituted authorities for the protection of all peaceable subjects. This patrol should be, in our opinion, accompanied at least by a few of the military or police. As a considerable number of the deluded have, since the advice of their bishop, renounced their evil practices, the difficulty in averting the remainder is considerably diminished. This object could be easily attained by calling at the houses of suspected persons to try if they were at home; and if they were reclaimed they would readily answer, if not they might be watched; and as they are generally servants or labourers, they could be dismissed with safety under the protection of such an association. The efficient co-operation of all landlords, agents, and other influential persons, is earnestly solicited, both in the formation of this society and in the effectual execution of its regulations. We are convinced that these and no other constitutional means can render this country safe to inhabit, heretofore so distinguished for its moral and peaceable conduct. In vain have we waited in hopes of the returning good sense of the deluded, and have found, on the contrary, the well-disposed compelled by intimidation to join the illegal societies, or murdered, or terrified out of the country. Even the towns are no longer secure, as they are at present invaded by the repeated visits of nightly marauders. We respectfully request through you, *my Lord*, the aid of Government in the accomplishment of our undertaking, and hope his Excellency the Lord Lieutenant will favour our efforts for the attainment of so desirable an object.—*Query* 1st. Are the sworn special constables liable to be called out at any moment, or on any service, at the option of any magistrate? 2d. Are they competent to act as occasion may require, without the presence of a magistrate or his authority? 3d. Would parochial or local associations for the protection of life and property, without the sanction of an oath, receive the approbation and support of Government?—I would have the arms kept in a dépôt, except when the men were employed.

"To the Right Honourable Lord de Vesci."

3224. What occurred upon that?—*Lord de Vesci* said he would give us an answer; after some time I waited on him at Maryborough, and I asked him if he had got any communication from the Government; he said he had consulted the magistrates upon it, and that they would wait the issue of the special commission, and to try if the Constabulary Bill that was in Parliament, which I did not see mentioned in the papers, was to be extended to Ireland.

3225. In other words, he refused the application?—No, I do not say that.

3226. Was his answer that the Lord Lieutenant would wait for the approbation of the magistrates?—No.

3227. This was one mode of putting off your application to form this association to put down the disturbances; did you see it in that light?—No, I did not.

3228. How did you mean that answer of Lord de Vesci to be understood; were you to proceed with your association or not?—I did not well understand what he meant; I conceived that the bill he mentioned was going through Parliament, and I consulted some of the gentlemen in Maryborough to know if such a bill was before the Legislature; I was told it was passing without opposition; I thought, after that, that our application might be acceded to by Lord de Vesci.

3229. When was the application made to Lord de Vesci?—It was some short time before the special commission; I cannot say precisely what time it was.

3230. Was it about a fortnight?—Yes, it was.

3231. Then the Committee are to understand, about a fortnight before the special commission coming down, this body had applied to Lord de Vesci, and up to this moment, which is three weeks since the special commission, no answer has been returned?—I have stated the answer, and we have got no other.

3232. What do you propose now to communicate to the Committee?—I found there was some censure passed upon us, that we wanted to arm the Whitefeet; I
wanted

wanted to let it be seen that we had nothing in view but the pacification of the country.

3233. Was it imagined that you had such an idea in your head as to arm the Whitefeet?—Some observation of that kind I heard was made, and in consequence of that I was determined to let the public see that we had no such object in view; and I wrote this letter then to the editor of the *Evening Post*, stating my views; this was two days before I received the summons of the House of Commons. I wrote this letter on the 4th:

"Dear Sir, I see in the reported speech of Mr. Grattan in the House of Commons, that he proposed to have an association of his tenantry for keeping the peace. Being but slightly acquainted with that honourable gentleman, I take this mode of communicating to him, and to other gentlemen of the county, the views of the Catholic clergy on this subject. Before the formation of the police, and frequently since, I suggested to Mr. Costie, then governor of the county, a similar plan. His reply was, that there was no law for it. It is the opinion of the Catholic clergy that if the country were studded with army and police, it will not be tranquillized unless the sound portion of the community be called into operation. They know the disturbers of the peace, and are able to watch their motions. If Mr. Grattan, and every other landed proprietor, if agents and all other influential persons of every creed would co-operate with the Catholic clergy and make a general and simultaneous effort, there would be little doubt of success. However reluctant to go beyond advice and exhortation, they feel that the present alarming state of the country should call forth all their exertions to save it from anarchy and ruin. With this intention, after consulting with each other, they waited on Lord de Vesci with an application to the Government to encourage associations of all good men for the preservation of the peace. His reply was, that he consulted the magistrates, and that they waited for the result of the commission, and the application of the Constabulary Bill in Parliament to Ireland. Though the special commission may be rigorously executed, though Dr. Doyle's address to the Whitefeet in Maryborough and subsequent letter, and the incessant exhortations of the clergy, may do much to tranquillize the country, its complete restoration to order will never be attained without some legal provision for the poor. While the industrious tenantry can be ejected with impunity, and sent adrift to perish in the snow, and while others are in daily apprehension of a similar fate, there will be always inflammable matter ready at every moment to ignite. While war prices are exacted and low wages given to labourers, and the destitute left to famish, there can be no permanent peace. The poorer classes, from the long neglect of their condition, cannot be taught to look up to the Legislature, the only legitimate source of redress, but become the prey of every incendiary, and take the correction of their evils in their own hands. I would be far from casting any imputation on the landed proprietors of the Queen's County in general; there are many among them very humane, but there are some exceptions, and these have raised the flame. I blame the state of the law that leaves the people in such uncertainty. A legal provision for the poor would be the interest of every class; it would be the interest of the landlord to improve his estate by the employment of the poor; it would be the interest of the farmer, as it would prevent the present immoderate competition for land, and give him a reasonable security in the possession of his farm. No landlord would turn out an industrious tenant if he should support him idly on his estate. It would be the interest of the labourers, as it would procure for them remunerative employment, and calm their minds from the apprehension of dying through want. It would save the Government and the country the expense of army and police, and remove the materials which interested persons use to keep alive the present disturbances. This measure would not dry up the sources of charity, but would open the numerous springs that are now closed. In the meantime, as there is a combination of the evil-disposed, there should be also an association of the good for their mutual protection. I send you with this a copy of our application to the Government, through Lord de Vesci, to which as yet from the Government we have received no reply. I fear I have trespassed too much on your patience, and shall conclude with assuring you of the sincerity with which I have the honour to be, dear sir, your faithful humble servant."

3234. Do you think that the sentiments of that letter, as far as regards the provision for the poor, are the sentiments of the clergy of Ireland?—Yes, without exception.

Rev.
Nicholas O'Connor.
28 June 1831.

Rev.
Nicholas O'Connor.

28 June 1832.

3235. You mean the Roman-catholic clergy?—Yes, and I think I have heard the Protestant curate of Maryborough express the same wish.

3236. Are many of the persons engaged in the Whitefeet association members of it in consequence of intimidation?—Many of them at first became members of it through intimidation, or got drunk at those shebeen-houses or public-houses of a low description; and many of them were glad to get any occasion of renouncing it, but they were afraid for some time, until Dr. Doyle's letter afforded them such an opportunity; and in the parish of Maryborough there were not 20 that did not abandon it before I left the parish, and declare in the presence of God they would have nothing more to do with it; but at the same time some marauders that are going about and living idly in drunkenness upon the labour of others would like to continue it still; there are some few of them that are almost beyond hopes of conversion.

3237. Are the Whitefeet persons in general persons urged by their necessities to combine?—Yes, at first they were; but now they have found it a useful system. I think if there was a legal provision for the poor, neither priest, nor bishop, nor Pope, nor agitator, whoever they might be, could unsettle their minds.

3238. The object of the question was, to ascertain whether the men called Whitefeet were men driven by their poverty to form that association, or are they men not in that state of want that would appear to justify in some degree their joining in it?—Their poverty and destitution must be very great, from their being ejected out of their ground and turned adrift upon the world.

3239. Are the Committee to understand that the Whitefeet are confined to those ejected from their grounds?—It is not confined to them, but they have been the persons that first made it general, and others had an apprehension of a similar fate, and they have joined it from thinking it would be a protection to them to keep them in their land.

3240. Are there many estates from which persons were so ejected in the Queen's County?—There are a few estates in the county, but there was no general ejection on any estate in the parish of Maryborough, except Major Cassan's, and the other near the Rock.

3241. You have stated that the oath of the Whitefeet bound them to each other, and you mentioned certain objects, such as their being deprived of their lands?—I did not say that they were sworn to those objects of the association.

3242. Are the Committee to understand that they are bound by an oath?—Yes; the Whitefeet are, but the Blackfeet are not.

3243. Are you aware there was any provision in that oath by which they were to direct their hostility against all Protestants?—I am sure it could not be; for their hostility was directed more against the Catholics.

3244. Was it on some occasions directed against the Catholic clergy themselves?—Yes; I know a priest who received notice from them; also in the diocese of Ossory the Catholic clergy were frequently noticed not to be speaking hard of the Whitefeet, and they also complained of me.

3245. Was this latterly, or in the commencement of it?—I spoke at first of the year 1822; it has latterly increased.

3246. The question refers to the Whitefeet; was it latterly, or in the commencement of the operation of the Whitefeet, that they have shown an hostility to the Catholic clergy?—As they progress in evil their habits are more hardened; latterly it has considerably increased.

3247. Do you know the period that notice was served upon the Catholic clergyman you spoke of?—In the course of the present year.

3248. At what time?—During the last winter.

3249. What was the object of the notice?—It was the same as the rest, not to treat them so harshly; and I believe a stone was thrown at the same clergyman.

3250. You stated you never heard that a portion of the Whitefeet oath was a sworn hostility against members of the Established Church?—I never did, and I am very sure it never was so.

3251. You never heard of any evidence to that effect having been given at the assizes at Maryborough?—I did, but I do not believe the woman; I am very sure she told a falsehood. I have consulted other clergymen upon the subject, and they have all disbelieved her; their hostility is directed against Catholics as well as Protestants who take their ground.

3252. Against the well-disposed Catholics?—Yes, that abhor their conduct.

3253. Are there not many instances of the land of which Catholics were dispossessed

Rev.
Nicholas O'Connor.
28 June 1832.

possessed being given to Protestants at a lower rate than it was given to the Catholics?—I have mentioned that already, as to Major Cassan.

3254. You are aware of the special commission that has been sitting?—I am.

3255. You are aware that a certain number of convictions have taken place; in fact, that convictions took place upon every trial but one, and that was not prosecuted?—Yes, I interfered in that one; I knew the innocence of the person, and I communicated it to the Judges, and the Attorney-General withdrew it.

3256. Do you happen to know whether there were any witnesses professing the Roman-catholic faith that were brought forward upon that commission?—I have very little attended the commission; I had other duties at the time; I attended one or two trials; I believe witnesses of every religion attended; I did not observe any distinction; I am sure there were witnesses professing the Roman-catholic religion.

3257. Do you know it yourself that any witnesses on the part of the Crown were of the Roman-catholic religion?—Yes, I do know it myself.

3258. Can you bring to your recollection the name of any witness professing the Roman-catholic religion?—Yes, one witness; a woman of the name of Dunn.

3259. Are those witnesses still in the country at large, or under protection?—I cannot say whether she is in the country or not.

3260. Do the persons who prosecuted at the special commission feel themselves secure in the country?—I do not think they do.

3261. Have you any recollection of any other witness than Dunn professing the Roman-catholic religion?—Not at present; I might recollect others if I were aware of the question before.

3262. Was Mrs. Dunn an approver?—She was called as evidence on the part of the prisoner; she consulted me, and I told her to come forward, but not take a false oath for the prisoner; and I told her to tell the truth holdly, let the consequence be what it would. After consulting me she was taken by the police and kept till the commission was over; whether she is in the country or not I do not know. I believe there has been a great change for the better; I do not think there is the same insecurity there was before. I have received a letter from my curate, informing me the tone of the Whitesfeet is greatly changed for the better; I think then there may not be the difficulty of a person remaining in the country as there was before.

3263. Are you aware that it is usual at this particular period of the year that the frequency of those atrocities ceases, owing to the cutting of turf and cultivating the potatoes?—No; I do not think that would have any influence over it whatever; but I think, as some such system pervaded almost every part of the kingdom, that our country had its turn.

3264. Do you think that general employment would have a tendency to prevent it?—Yes, I am sure it would.

3265. Then do you not think that the employment incident to the season would have that effect?—In the middle of the summer there is as much want of employment as in any other season.

3266. Was the whole of the land that is generally cultivated in the country sown and cropped in the spring, or is there any ground that has remained uncropped in consequence of the state of the country?—Not that I know of; there were two places untilled; they are now sown.

3267. Can you state to the Committee the general habits and state of the poor within your parish?—I have been there since 1816; there have been three famines since I came, in 1817, in 1822, and 1825; and during a portion of the summer they were living upon the weeds, the yellow weeds that grow in corn.

3268. When was that?—It was during three seasons; and I have known them to be obliged to work a part of the day before they would be trusted with their day's hire; the children watching the shade of the sun about 12 o'clock to see when their mother would bring home the potatoes. The colour of the people changed to yellow, from the nature of their food. I have been myself attending some sick persons, and I have been obliged, in administering the sacrament of extreme unction, to pick the straw they lay on from their skin; that was the state of the poor during three years of famine. It is not so bad at other times; but they are very naked at all times, and have little or no bed covering except the clothes they wear in the day; very often on their death beds they have nothing but water and potatoes.

Rev.
Nicholas O'Connor.
28 June 1832.

3269. Is that the general state of the poor when there is no famine, as to bedding and clothes?—They are in general very naked and badly fed.

3270. What has been the state up to the last spring?—I do not say there is any want of employment in the country during the spring.

3271. And food has been cheaper during all the disturbances?—Yes; food is cheap at present, but the hire is very low; some pay only 4 *d.* a day with diet, and that leaves but 4 *d.* to pay rent and support a large family; 6 *d.* a day is paid without food, being obliged to pay 30 *s.* for a cabin and an acre of bad land on the edge of a bog.

3272. Do you know that in those years of scarcity those peasants have been obliged to pay for potatoes the highest price they were sold at during the whole year, to be paid for at a future time?—Yes, I do; when they get them on credit they are obliged to give the highest price they were sold at in the year.

3273. And by that means they have to pay much beyond the value?—Yes.

3274. Do you happen to know whether the Whitefeet interfere in matters of family arrangement, such as the hiring of servants and payment of wages?—Yes, they have; I may say servants have become masters; the masters are afraid to find fault with servants, lest any mischief should be done to them.

3275. You have said that they were originally combined together for the purpose of preventing the payment of tithes?—I have not said that, nor do I believe it. The Whitefeet have not meddled with tithes till of late; I believe that was not their object. What I did say was, that it was to keep the poor people upon their lands, and make the farmers give them better wages and better diet, and to better their general condition.

3276. They now interfere in all matters of private life?—Yes, they have done so in many cases.

3277. You are aware that the magistrates of Queen's County applied to the Lord Lieutenant for additional powers?—I have learnt it.

3278. Has it come within your own knowledge that that circumstance has made the magistrates unpopular in the country?—I do not know that that made them unpopular among the poor; I could not collect from the people anything of the kind; among the higher class of farmers it has.

3279. Are you acquainted with the colliery district?—I have heard of it; I believe it is a very disturbed place; most of the ejected tenantry fled there, and became the most desperate leaders of the Whitefeet.

3280. Have you ever heard that any of the Roman-catholic clergy in the neighbourhood of the collieries, or that part of the Queen's County, or the neighbouring county of Kilkenny, have directed their flocks not to attend petty sessions in matters of dispute, but in all cases to come to them, and persons appointed by them instead of magistrates?—I have never heard anything of the kind in that district, and if it had happened I think I should have known it. In order to encourage the people to resort to the law and not to resort to violence, I have told them to apply to magistrates for redress, and I have found great reluctance in them to appeal to the law in any case, and I could not account for it in any way, except this, that the laws were against them so long in almost every thing, up to a late period.

3281. What am I to understand by your saying, that they found the law against them?—I mean the penal laws; they looked upon the laws before emancipation to press very hard upon them, and they have some of the same feeling still, but not in the same force.

3282. Are the Committee to understand that they are dissatisfied at the result of the Relief Bill of 1829?—No, on the contrary; but I believe that that Bill itself was levelled against the poor; the disfranchisement of the 40 *s.* freeholders made them useless to their landlords as a political body, and in consequence of that the measure has injured them. They say, we are as badly clothed and fed as before; and I believe that by their becoming useless to the landlords as a political body, the law has operated against them.

3283. You have stated that the first combination of Whitefeet of which you were acquainted arose out of ejectments for not sending children to school?—No, not from ejectments alone; I said I found a man from Tipperary and another of his companions who introduced the system of Ribbonism into Maryborough about 1822; that I found about 20 infected, and banished the strangers from the parish, but the ejected tenantry became the most violent leaders among the Whitefeet.

3284. You

Rev.
Nicholas O'Connor.
23 June 1851.

3284. You have mentioned the names of two or three gentlemen that ejected their tenants for not sending their children to those schools?—Major Cassan said he would keep none on his estate that did not send their children to his school. I thought it my duty to dissuade them from sending their children to the Kildare-street schools, as I hate treachery, which I knew was practised in the Kildare-street Society.

3285. Your opposition to the Kildare-street schools rested upon the discovery of treachery?—Not from that alone; they require the Bible to be used without note or comment.

3286. It was upon those two grounds?—Yes; I had schools myself. I built schools, and thought I was the fittest person to instruct the children belonging to my flock, and I never interfered with any others.

3287. Your objection to the Kildare-street schools was twofold, first, requiring the Scriptures to be used without note or comment, and the discovery of treachery?—Yes, that last induced me not to keep any terms with them; so that even if before it could be tolerated, when that treachery was found out, and that it was a system of proselytism, that made me resist, and I believe the same impression was among all the other clergy of our church.

3288. You say that Captain Pringle was the principal instrument in the bands of the Kildare-street Society?—Yes, it was published so.

3289. On what ground do you state that?—It was published in the Dublin Evening Post, in the evidence he gave before the Commissioners.

3290. You have stated that Captain Pringle, in his evidence, represented the society as preferring masters who were Catholics in profession but Protestants in their hearts?—Yes, that was part of the evidence.

3291. Do you give that evidence upon the same information?—Yes, I give it as having read it in the Dublin Evening Post at the time.

3292. You say, that in consequence of this discovery of the manner in which they acted, that you, in common with the other priests, withdrew their children from the Kildare-street schools?—Yes, even such as tolerated them going there before.

3293. Were you aware that the Commissioners had given it as a part of their Report, and that the opposition to the Kildare-street schools commenced with the appointment of the commission, and that a very large proportion of the children had been withdrawn before they engaged in the inspection of the schools?—I have no doubt they were withdrawn, because they found that the system was operating before the time you have mentioned, and when they found the system operating they withdrew the children; it was impossible to carry on such a system without it being discovered.

3294. You state you read this evidence in the Dublin Evening Post?—I did.

3295. I have now before me the official Report of the Commissioners, which states that Captain Pringle never was in connexion with the Kildare-street Society?—I give you my authority.

3296. You have been misled?—Perhaps I might; but I give you my authority.

3297. It is proved by the Report of the Commissioners, and the record of Captain Pringle's evidence, that he was never in connexion with the society; would you believe that if you read it in the Report?—Yes, if I read it in the official Report.

3298. If you read that Captain Pringle had never given any such testimony as what you represent, would you believe it?—I would, if on the authority of the official Report.

3299. If you were to read in the Report that the testimony was totally different, would you believe it?—Yes; if the official Report was taken down, and I read it in it, I do not know that I could disbelieve it.

3300. If it should be proved by the sworn testimony of Captain Pringle, presented to the two Houses of Parliament by the Commissioners, that he had not given such evidence, it would appear that the priests had acted upon false information?—No, that was only a part of it; the system requiring the Scriptures to be read without explanation, or without note or comment, is the principal objection of the priests, and that is quite sufficient, independent of the other. I stated that ground first, and having seen the other, that made the Catholic clergy and the parents even more determined. Perhaps I mistake as to the society to which he belonged; but that matters little whether he belonged to the Kildare-

Rev.
Nicholas O'Connor.

22 June 1837.

street Society, or London Hibernian Society, or Bible Society; we found the same system and spirit of proselytism pervading them all.

3301. Were there any meetings in your parish of persons connected with the new reformation that excited the minds of the people, and induced them more strongly to oppose these schools?—Yes; there was a gentleman there of the name of Captain Gordon, I think he was there, but I know Mr. Hamilton and others were there, and they held meetings at Maryborough at different times. I did not go to them; a notice was posted opposite to my door, calling on me to attend; I disregarded such a challenge. The Protestants and Catholics are very much united at Maryborough, and I believe they also stayed away. If Captain Gordon called upon me, I would have no objection to explain some of the texts of Scripture quoted by him, and which he misunderstood and misapplied.

3302. You objected to those meetings as likely to excite the minds of the people?—I objected to them very much. If my religion is assailed it will produce recrimination on my part, and the feelings of the people will be engaged on both sides; and knowing that it would be productive of uncharitableness, I kept such of my flock as I could away, and the Protestants, seeing my example, followed it on the other side, and I believe the numbers that attended were very few.

3303. In point of fact, you considered the notice as a kind of Whitefoot notice?—No, I did not; I had too good an opinion of the gentleman.

3304. You did not attend those meetings?—No, I did not go near them at all.

3305. Could you trace any feeling of exasperation resulting from those meetings?—Yes; the people found fault with me for not going and fighting the battle.

3306. You have spoken of a letter to Lord de Vesci that was written with the concurrence of your ecclesiastical superior, Dr. Doyle?—He knew nothing at all about it; he recommended us to co-operate with the constituted authorities, which you will see in his own letter, which I have here, and to encourage the people to co-operate with the constituted authorities. I consider that recommendation a sufficient ground; and I assure the Committee I have sometimes differed in opinion with Dr. Doyle; it may be great presumption to do so; but we are not the slaves of Dr. Doyle; we hold our own opinions.

3307. Was Dr. Doyle cognizant of your letter to Lord de Vesci?—No, he was not; we did it without consulting him in any way whatever; but we knew, of course, it could not but be grateful to him that we should do all in our power to restore the country to peace.

3308. You stated that there were some magistrates in the county that a Roman-catholic would not wish to co-operate with?—There was one gentleman at Ballinakill.

3309. What was the nature of the objection to him?—He came with the police to the chapel door, using offensive language, and pulled down some notices, and was ready to fire upon the people. The clergyman of the parish where it happened is summoned to appear here.

3310. Was it proposed that the Roman-catholic clergy should take the oath of allegiance?—They have done it already.

3311. Was any distinct proposition of that kind made?—We would feel it an insult to our loyalty, for there is no class of people more unimpeachable than the Roman-catholic clergy.

3312. Was any such request made?—I believe there is no gentleman in the Queen's County, or the country, that would offer us such an insult.

3313. Do all the gentlemen who fill any office in the Catholic church take the oath of allegiance?—Yes, they do in Maynooth; I was never in that college, but I took the oath. The principles I entertain without an oath, I can have no objection to affirm by an oath.

3314. Was it intended that the magistrates should form a part of the association?—It was intended that the magistrates should co-operate with it; that it should have their countenance and assistance as far as it was possible.

3315. Was it understood that the Roman-catholic clergy would act under the magistrates?—I do not think they would take arms at all. The Roman-catholic clergy and magistrates should go into the country and organize the people; but not that the Roman-catholic clergy should put a musket on their shoulders and go under any magistrate.

3316. Were the Roman-catholic clergy willing to use the authority that they possessed?

Rev.
Nicholas O'Connor.
28 June 1834.

possessed?—I do not know how it could be otherwise, when they gave it under their hands that they would do it.

3317. You are aware that it has been stated in the country, and communicated to this Committee, that the Catholics and the farmers generally decline to join with the magistrates?—I am aware of it.

3318. Is it correct?—No; I do not think that the farmers have been applied to in general. I heard that Mr. Grattan did apply to his tenantry; but I remarked, if he had brought us into operation along with him, he would have had a better chance of success.

3319. Do you mean without the agency of the clergy the gentry could not get their tenantry to act?—I think it would give more confidence to them.

3320. Would the clergy 12 months ago have joined the landlords?—I had proposed it 10 years ago to Mr. Cosbie.

3321. Did you not consider it very singular that the lord-lieutenant of the county has never as yet paid any attention to the application made to him by the body to which you have alluded?—No, I do not. I think he is a very good-natured man, but he is not as efficient and vigorous as other men might have been; I believe him to be a very excellent man.

3322. Might it not have had the effect of preventing the necessity of a special commission if taken in time?—I should like to see the existing laws executed; and I was pleased to see the commission.

3323. Do you not think that the body you have mentioned might have stopped the outrage?—I think in one fortnight, if there was a general and simultaneous effort to do it, outrage would cease immediately.

3324. What is conceived in the country to be the duty of the lord-lieutenant of the county?—It is his duty to receive applications for the pacification of the county, and all other things connected with the magisterial capacity.

3325. Was not there an application made to hold a general meeting of landholders, farmers and clergy?—We made the one I have mentioned; I know of no other having been made to him.

3326. Then if a general meeting of the county, consisting of the farmers, landholders and clergy, had assembled and come to strong resolutions, exclusive of the distinct meeting of the magistrates, do you not think it would have had a material effect in stopping those marauders?—My object was to induce the clergy to co-operate with the magistrates, and not distinct from them.

3327. Was not there a feeling in the county that a distinct meeting had been held, consisting of magistrates of the county, distinct from the other interests?—Yes; there were some persons the magistrates call agitators, complained of it.

3328. Was not it felt by such men as you in the county?—No, it was not; because I knew that opposite parties could not be brought together, and be productive of unanimity.

3329. Are you not of opinion that the turning out of 10 or 20 families from an estate, which reduces men to a state of complete distress, and the effect of which is to make the whole body become disturbers of the peace and vagabonds, and that those men who ultimately join are induced to join from the solicitation of those people reduced to a state of distress?—I am very sure there is nothing that they would not forgive sooner than the turning out of their farms; every string of their heart is twined round every twig upon them, and I never found anything so difficult as to induce people to forgive those persons who took their lands, not so much those who turned them out; because if no one would take such land, no one would be turned out; it is impossible to induce the people to forgive turning them out of the place where their father and grandfather lived.

3330. You have stated the distress that you witnessed in the Queen's County in 1816; are you aware during that year, when the people were in this state, application was made to Parliament and a bill brought in by the member to whom you have alluded for relief, and that nothing has been done by Parliament since to relieve their destitution?—Yes, I am aware that Mr. Grattan brought in a bill to establish a poor-rate.

3331. Do you not think that the people in Ireland look to a reformed Parliament to do them justice?—Yes, all the enlightened part of the people do; but the very poor people do not look to the Government or the Parliament at all, or any means, except what nature has given them, to prevent their being turned out; they abandon their clergy, and we can have no influence over them.

3332. It gathers together all the desperate people?—Yes; they care not if they

Rev.
Nicholas O'Connor.
18 June 1832.

they are taken and hanged for those desperate acts committed in a state of revenge; death would be a relief to them; they care nothing for life.

3333. Do you not think the appointing of this Committee and the passing of the Reform Bill will tend to quiet the country?—The appointing of this Committee may tend to quiet the minds of persons more enlightened; but I do not think that the class of the poor understand it.

3334. The question does not refer to the destitute and desperate people, but the parties in the country chiefly to be looked to, the landholders and respectable tenantry of the country; and if they combine to stop outrages, are you not of opinion that they must be stopped?—I am of opinion if they combined kindness with a strict enforcement of the law, outrages could not exist with such combinations.

3335. So that it rests with them to put a stop to it, when they choose to combine and act together?—Yes, that was the object we had in view.

3336. Were you directed by Dr. Doyle, in 1830, to wait upon Mr. Cosbie to devise means to stop the disturbances that then existed in the county?—Yes, I was written to, to wait upon Mr. Cosbie to have the licence taken from a man on the borders of the Heath, where two persons swore in some men belonging to the parish of Emo, and Mr. Cosbie referred me to Mr. O'Reilly of the Heath: the licence was not taken from the man, because we ascertained that he knew nothing of the swearing; but I denounced those persons publicly at the time, and I made as strong an appeal as I could, and that checked it for a time.

3337. Do you suppose that the Catholic clergy could induce the farmers to enter into these associations, if the farmers supposed that they would be obliged to oppose the resistance to tithes?—I am very sure that they would never form themselves into an association if they were to be made use of as instruments to collect tithes; hence, in the county of Carlow, in the oath of the special constables, they have exempted tithes and church-cess; they have taken an oath to obey the magistrates in every thing else.

3338. Have you known any instances of great severity under the tithe system that may have led the people into those outrages?—I have known potatoes to be sold out of the house of poor people, and I have known the pot to be sold, and a man left two years and a half without one, being obliged to borrow a pot to boil his potatoes; I have known blankets taken off the beds of the children; I have known the widow's pig taken away; and I have known an aged widow taken out of a sick bed, and laid on the ground, and the clothes, and the bed, and her daughter's clothes sold for tithes; I have known that in the town of Maryborough.

3339. Do you think that would sufficiently account for the lower class of labourers taking the same means of resisting tithes that the farmers have done?—Yes; because they have suffered oppression under the system.

3340. Since the Composition Act has taken place, the labourers do not suffer in the same way?—Not in the same proportion.

3341. Do the labourers suppose if tithes were done away with or diminished that the farmers would pay them higher wages or give them more employment?—The greater weight taken off the farmers, the better they would be able to feed them.

3342. Do you conceive that the amount of rent charged in the Queen's County prevents the farmer from investing as much money in the employment of labour as he would if the rent was lower?—Certainly it does: with some few exceptions (I have mentioned Lord Maryborough already, of whom I speak with affection; he has spared my feelings the pain of witnessing the scenes that must occur when the tenantry were turned off), the land in general in Ireland is 25 per cent. too high, independent of tithes.

3343. Do you apply that to the Queen's County?—Yes, to the lands in general. The farmers are not able to take that kind of food that they ought; nor are they able to give the kind of food that they ought to their labourers.

3344. What is the average rate of rent in your parish?—About 25 s. an acre.

3345. What is the quality of the ground?—It is light ground, and the bottom lands are very bad.

3346. Is it a wheat soil?—Yes, it grows light crops of wheat; it cannot be termed a wheat soil.

3347. What rate of wages does a farmer pay on that land in your parish?—In general from 8 d. to 10 d. a day, those that are hired by the day.

3348. When

Rev.
Nicholas O'Connor.
28 June 1832.

3348. When labourers receive 4*d.* a day are they dieted?—Yes; 8*d.* without diet is generally given; I have known some in the country give 4*d.* a day with diet, and charge 3*s.* for a cabin and an acre of ground on a bog, as I stated in a former part of my evidence.

3349. Is that acre of ground for which the farmer expects 3*s.* as good as that for which he pays 25*s.*?—No, is it not; because the poor are always located upon the worst part.

3350. Is the poor man obliged to build his house and keep it in repair?—I do not know that; I have generally seen the poor man building it himself.

3351. What is the rate charged by the acre in your parish for grand jury cess?—I think about 11*d.* an acre, twice in the year.

3352. Is the same rate charged upon the land you describe to be poor which is charged upon the other land that is very good?—It is; but I am not very competent to speak on this subject.

3353. What is the rate of tithe charged in your parish?—Upon the best lands 5*s.*, and from that downwards.

3354. Is that land let at 25*s.* an acre?—No; that land is generally town-fields, or good meadows, which pays 5*s.*

3355. What is the general rate of tithe upon the land let at 25*s.*?—Two shillings.

3356. You have stated the rent to be high; supposing those disturbances to have occasioned the necessity of special commissions, a great increase of police and in the gaols of the county, which must all form charges upon the land, how will the poor man be benefited by it; will not he have more to pay than he now has to pay in rent?—Of course he will pay more than before, but not so much as the rent.

3357. Suppose the rent to be reduced to what you consider a fair rent, and these cesses are laid on by the grand jury as they have done for the gaols of Maryborough, how will the farmer or poor man be benefited by the reduction of rent?—He cannot be benefited if he is obliged to pay as much or more for that purpose; but the landlords impose such taxes rather than provide for the poor, which would prevent the necessity of levying a tax for the purpose you describe.

3358. Do the people you have described as so poor pay any rates?—Those who have land pay rates; but persons very poor have generally no land at all.

3359. Where a man dies, leaving a large family upon the farm, do not all the younger children conceive that they have a title to a portion of that farm, and do they not feel discontent on being turned out?—They conceive they have a right to live upon it, and they generally do live upon it.

3360. In one house?—Yes.

3361. Are you aware that 25*s.* an Irish acre is very little more, or not so much as 14*s.* the English acre?—I did not understand there was that proportion.

3362. Is it not as five to eight?—I understand it was five and a half to seven.

3363. Is the resistance to tithe very general in the Queen's County?—It is.

3364. What class of people are employed in resisting tithe?—I do not see any distinction; there is a general resistance.

3365. Are the persons now resisting tithe persons of a higher class than the Whitefeet?—Yes, persons of every class that I am acquainted with.

3366. Do you mean to say that the Protestants resist it, and do not pay the clergymen?—I am sure that they do not pay it; if they do they do it privately; but I am sure that they do not, and I have read an account of some of them presiding at anti-tithe meetings.

3367. Do you believe there is any connexion whatever between the persons resisting tithe at public meetings and the Whitefeet?—No; I think the farmers who resist tithe are more annoyed by the Whitefeet than any other class of people; I have known them to receive notices, and to be greatly persecuted.

3368. You do not think there is any combination between them?—No; they dislike the Whitefeet most cordially.

3369. Have you seen the Report of a Committee of this House in which the words "extinction of tithe" are used?—I have.

3370. Can you state to the Committee the impression that that conveyed to the people of Ireland?—That they were done away with entirely; that was the impression made on the Irish people, as far as I could learn.

3371. Then those words are not conceived as applying to an alteration in the payment,

Born,
Nicholas O'Connor.
28 June 1832.

payment, but a total annihilation of it?—Yes, and they were greatly disappointed when they heard them afterwards explained in a different sense.

3372. Was that the construction put upon them by the well-meaning?—Yes, I think it was; I never heard of any person putting any other construction than that of total abolition.

3373. Then it is in consequence of putting that construction upon it that the Protestants decline paying tithes?—No; I think that they feel the same reluctance that the Catholics do, as far as I could judge. Shortly after the Emancipation Bill passed, I have heard persons that attended the Brunswick clubs say, that the consequence of the Catholic Relief Bill would be, that the Protestants themselves and the Orangemen would begin now to deal with tithes; I have heard that from a gentleman who attended the Brunswick club at Mount Mellick.

3374. Do you consider that the refusal of the Protestants to pay tithes has been caused by a reluctance to support the church to which they belong, or by intimidation?—Not by intimidation, because they can pay it privately; I consider that they feel a reluctance to pay it; and they all feel that the church lands, independent of tithes, are more than adequate to the support of any Christian ministry; that is the feeling among the enlightened portion of the community.

3375. Can you state how the police is constituted in the Queen's County; are there many Catholics in the police?—About five out of the 40 in Maryborough are Catholics.

3376. Is that the case in other parts of the county?—I do not know.

3377. Has that been generally the case in the district of Maryborough from the original formation of this body?—Yes, I think so.

3378. How are the police chosen in their district?—I think by the magistrates.

3379. Who are the persons that generally constitute the police; are they persons connected with the families of magistrates?—I do not know that they are; one gentleman gets a friend into the police, and another gentleman will get in another.

3380. Is it not understood in some cases they are the illegitimate children of many of the magistrates of the county?—I cannot say that I know anything of it.

3381. Is there much confidence expressed in the police by the people as it now exists, from this exclusive system of appointing to it?—I believe the people call upon them through necessity; they were received with more distrust in the beginning than now.

3382. Do you think an armed voluntary association would be more effectual to keep the peace than the constabulary?—Yes; because, except in a few instances, the police have not come in contact with the disturbers of the peace; they avoid the police; they have their videttes out, and it is communicated to them the direction in which the police are going.

3383. Do you not think much of the disturbance in the county arises from the want of confidence between the upper class and the lower class?—I do think if there was more cordiality and better feeling, if there was more care taken of the poor by their landlords, few of the present evils would exist. The people in general are very grateful for any kindness shown them. I think if there was more attention paid to their wants by their landlords and their agents, who very seldom see them but when they come for their rents, they could be very easily led by kindness.

3384. Do you not think that this want of cordiality will continue a very serious obstacle in the way of the formation of this association?—I know there was some want of confidence and cordiality between persons that were considered very strong in their politics in both extremes, but I do not think that the Catholic clergy came under that denomination; we said that we hoped for the co-operation and exertions of the magistrates, because since emancipation we have very little interfered with politics.

3385. Do you think that could be obviated in this way, by the parish suggesting or choosing a certain number of persons from the parish in whom they could place confidence, and allowing the magistrates to elect from them such persons as the magistrates could place confidence in?—I think if the landlord or his agent and the priest and the magistrate went to the townland and collected all the well-disposed tenants, and represented to them the state of the country, and how it was their interest to bring about its pacification, if they collected a considerable portion of those never concerned in illegal societies, and they are all known, the priest would recommend no doubtful character, then let them choose some persons from among themselves, two or three that would take the command, and patrol on particular

particular nights. If you were to say to the people, choose your own officers from among you, it would be grateful to them; they would be liable to be called out by the magistrate when required; the magistrate would not, in my opinion, attend at night; but at the same time they should have some of the police along with them, or some of the military, which would be more acceptable to the people.

3386. Suppose at a meeting of the parish they choose a certain number of persons in whom the parish should have confidence, and afterwards presenting them to the magistrates, and the magistrates selecting from that number a certain number in whom they could have confidence; would not that system answer perfectly well to secure the tranquillity of the county?—I do not think it would be easy to bring the parish together in that way; some of them are four or five miles distant. I would go to the townland and let the landlord or his agent, or some person he has employed, request all well-disposed persons to meet together, and let the magistrate be there with the priest.

3387. Supposing the landlord did not wish to do this, or was of adverse politics to a neighbouring landlord, or adverse to his tenants, how could he put this plan in execution?—In such case the landlord might be refused; but the local magistrate, the priest, and the example of others might prevail.

3388. In order to insure that co-operation, must the landlords repose general confidence in the Catholic priests?—I am sure we deserve it; and I hope we shall continue to do so.

3389. It would not be necessary for the priest to attend in every case?—No.

3390. Could not this body, by the aid of the priest and the landed proprietor, who is all-powerful almost, with the co-operation of the stipendiary magistrate, be easily formed, and most effectually so?—It would if the people had confidence in the stipendiary magistrate; but I consider that the people of the country would co-operate with the local magistrates much more readily than with the stipendiary magistrate.

3391. Are you of opinion that a stipendiary magistrate, permanently appointed in each county, is desirable?—I consider it may be useful in the present times, when there is a lack of other magistrates; but I know that the people would have more confidence in the other magistrates that they knew, particularly those that they found kind to them. I could mention some of them that I think they would co-operate with more cordially and more efficiently than the stipendiary magistrate; they look upon him as a stranger.

3392. You would not recommend in every county a stipendiary magistrate to be appointed?—No, I should not.

3393. Is it the fact that the magistrates of the county, where stipendiary magistrates are appointed, act with less vigour in the county?—I think it does; I think they throw all upon them.

3394. You have stated that upon one occasion you brought together all the heads of the Whitefeet?—I did not say all the heads, but I said I brought some of the heads of them; I meant that this body was composed of such of the heads of the Whitefeet as I could collect.

3395. How were you able to know them so as to summon them?—I did not summon them, I went to them.

3396. How did you know them?—I know them right well; every body in the country knows them. I knew them by their association; and I know them by those people that come in to me and have renounced the system, and told me who the others were.

3397. Have they returned to the system since that?—I have not known one; and I believe in a number of parishes an improvement has taken place. I have received a letter since I left home which tells me they are greatly improved.

3398. Then your interference, together with the effect of Dr. Doyle's letter, has had the effect of quieting this district to a considerable degree?—I know it has given it a very great check for the time, and I apprehend if there was some demonstration of force shown in the country, it would prevent it rising again, or prevent idle persons coming in and disturbing the county.

3399. This address of Dr. Doyle was very influential in accomplishing that object?—His first address in the chapel spread through the country with an electrical effect. I was called out to attend a patient attacked by the cholera at the time, and I could not attend it; but I was told by Captain Anderson, the stipendiary magistrate, who came in to hear Dr. Doyle, that if it was printed it would do a great deal of good.

Rev.
Nicholas O'Connor.
28 June 1832.

3400. You say it spread with an electrical effect through the county?—Yes, it did.

3401. If Dr. Doyle recommended the people to combine together to evade the law, would it not have an equal effect upon them as this address at the time to which you allude?—I think they have evaded the law without his advice at all.

3402. I beg an answer to the question.—I think it would; I think what they have done without his advice they would do much sooner with it.

3403. Have you ever heard that Dr. Doyle addressed the people, or addressed a publication, or that a publication of his was distributed among the people, in which he expressed a hope that their hatred of tithe would be lasting as their love of justice?—Yes, I do, latterly; I cannot say distributed by the bishop; the system of opposition to tithe was very general at the time, so that it could not have originated with him.

3404. Do you think this address was calculated to promote or diminish the resistance to tithe?—I am very sure it was calculated to promote it, or rather to confirm the people in the opposition which already existed.

3405. With respect to the address presented to Lord de Vesci by some of the Roman-catholic priests, did it never occur to yourself or to them that this might be objectionable, the association on your part, as interfering with the political regulation of the county?—That could not have occurred to me when we waited for such a length of time to see if there would be any restoration to peace, and anything to save the country in such an alarming state; we thought it acceptable to Government that persons of peaceable habits like us should come forward and offer our assistance, as our instructions from the altar had little effect; our influence was entirely lost upon those persons; and I could not think it anything arrogant or presumptuous in us to come forward and offer our assistance to procure the pacification of the country in the way we thought least expensive.

3406. This called upon the landlords of the country to co-operate with the Roman-catholic priests?—Yes, requesting them.

3407. And requesting the co-operation of the Government of the country?—Yes.

3408. Does not it appear to you that the headship of the association, and the originating and directing of it, of course is assumed to be in the Roman-catholic priests by this address?—I could not conceive it in any such light; it was not meant so; but the best intentions may be maliciously interpreted. Our sole and only object was to offer our assistance and influence to the Government, to bring about, by what we thought peaceable means, the restoration of the country to peace. I could not think it unacceptable to any body of men that were not influenced by bad feelings that we should offer our influence; every one knows that we do possess influence, and for that to be directed to a proper object with good intentions, I could not consider that it could be construed into any bad meaning by the Government, for we never came forward till we saw the country in such an alarming state.

3409. Have you ever tried the experiment of excommunication against those who have violated the law in that outrageous manner?—I have not the power; it rests with the bishop, and he threatens in that letter excommunication if they do not desist from their evil ways.

3410. Did he ever execute that threat?—I hope it will not be necessary.

3411. He never executed it?—No, he did not; it is a power looked upon as very odious. If you could find fault with us for coming forward in the humble manner we did, I think there would be much greater blame given to Dr. Doyle for excommunicating the people.

3412. Was this power of excommunication exercised upon any other account?—I never knew him actually to excommunicate a person.

3413. Have any other of the priests who joined in this memorial to Lord de Vesci exercised the power of excommunication?—I have already stated that no priest can excommunicate; it is a power that rests solely with the bishop, and of course the priest cannot exercise a power he does not possess.

3414. The priest would have the power to refuse administering the religious rites?—No, except to persons they consider unworthy.

3415. Would they consider persons in the habitual violation of the law, and committing offences, such as have been committed in that county, unworthy?—They never conferred, to my knowledge, sacrament upon any one of them, and they could not in their conscience do it; they must be either ignorant of their duty,

duty, or wilfully vicious in their practice, if they conferred the sacrament upon any persons until they were satisfied they had renounced their crimes, and given satisfactory proofs of repentance.

3416. Did they ever announce from the altar that that would be their system; that they would not give the rites of their church to the persons who engaged in those associations?—Yes, they have done it repeatedly; Catholics know that they could not do it; no sacrament has ever been conferred upon any one of them, to my knowledge, while they continued in that state connected with any illegal association.

3417. With respect to this poorer description of people you spoke of just now, do the Roman-catholic clergy require from them the payment of any dues?—From these very poor people they would not accept it, but unfortunately such is the state of the country we are obliged to be supported by the poor; but whatever we get beyond a very moderate maintenance, we consider ourselves bound to distribute for the good of the people; I have done it myself, and I hope I shall continue to do it. I require a very moderate support, and I have always expended anything beyond that in feeding and clothing the poor; I have even ground for them the corn I had for my horses, in order to feed the poor as far as it would reach. It is very odious to speak so much of oneself; but I consider, from the line of examination that has been latterly pursued, I am put on my defence.

3418. What is the income of your parish?—The revenue I have varies according to the poverty of the people; one year I had but 50*l.* to support my house. It varies from 200*l.* to 300*l.* I have two curates to support; I must keep four servants; two horses for my curates, and two horses for myself.

3419. What are the several dues you receive, and the amount of them?—Whatever they choose to give, and nothing more; if there be a rich person that we think gives us too little, we sometimes complain; that is the utmost extent of our exaction.

3420. Are not the dues regulated by the bishop for marriages?—Whatever the people give; no Catholic clergyman refuses his ministry for a want of money.

3421. Is it not an incident to all the rites of the church that there should be an offering from the recipient?—If it is meant to ask whether by occasion of the administration of the sacraments we receive our support, we certainly do receive it upon those occasions from those that are willing and are able to give it. Where we get most trouble, attending the sick bed of a poor person, where we may spend two hours, we never ask nor would receive a farthing.

3422. Are there frequent instances of those rights being administered without payment?—More instances, I believe, than where we receive it. No clergyman can refuse his ministry for want of money; we are often obliged to give instead of receiving. A question was asked with regard to the sick: I do not immediately give to the person; I should be afraid that they would send for me, or some other clergyman, for the purpose of being relieved; hence, when I do see such great distress, if I have anything to give at the time, I generally give it to some person convenient, who will give it without it being known that it comes from me.

3423. Do you attend every sick person that sends to you?—Yes.

3424. However poor?—They know very well there is no act of our ministry ever withheld for want of money; it has been published frequently from the altar not to stay away or avoid calling upon us to do any duty for want of money.

3425. Under any state of disease or danger?—I have attended two cases of cholera, the only two that occurred in my parish.

3426. Were the persons you attended in cholera of your own parish?—One was a man from Dublin, a car driver; he fell ill at Maryborough, and I attended him myself.

3427. Did he die?—Yes, about an hour after I left him. I attended for an hour and a half.

3428. Then is it the practice of your church not to receive from the very poor any money for the celebration of the rites of your church?—Not from the very poor; we encourage them not to be abashed or to stay away; that is our language; but they know it so well, it is unnecessary to state it.

3429. Are marriages ever celebrated without payment?—Yes, I have lately celebrated three without getting anything.

3430. Are baptisms celebrated in like manner?—Yes; there is no rite or ceremony of our church withheld for want of money.

3431. In your proposal for quieting the country there were other incidents

Rev.
Nicholas O'Connor,
28 June 1832.

besides merely the association; you stated a provision for the poor?—It was not in our proposal; it was in my own letter to the Dublin Evening Post, giving my opinion.

3432. Your opinion was, it would require a provision for the poor, and lowering the rent, and raising wages?—My language was, there would be no permanent peace without a provision for the poor. No one could contemplate such a state of society as that the association I described should be a permanent body. The poor of Ireland will be always unhappy while they see the comfort and happiness of the English people, and contrast it with their own misery and destitution.

3433. How would you propose to administer this poor-rate?—I know it is greatly dreaded by the landlords, and that a very influential person in the country has been opposed to it, but I prefer his late opinions to his present. He admitted that Dr. Doyle's arguments convinced him; I cannot account for the change, but I hope it will be obtained notwithstanding; and I regret that that person should have taken the wrong part he has. I would propose that the rate-payers should be collected together, and that they should select from themselves 25, who would be a body intermediate between the landlord and the poor, protecting the interests of both. This body would not suffer the interests of the landlord to be trenched on, as it would be in some measure identified with their own. Such a system would be economical, as the impostors who now live idly should labour for their bread.

3434. Should you propose that it should fall upon the landlord?—No, not exclusively; but it being put upon the land, they will come in for their share.

3435. Is not there a practical poor-rate existing at this moment; do not the poor go round and levy on farmers, almost by force, the means of subsistence?—Yes, there are a great many very sturdy beggars well able to work, and if there was a poor-law none of those would get support; they should work. I would not have the clergy of any denomination put in such a position with the poor that they could say "they refused us relief;" but I would have the body elected by persons paying the rate, and they would know the machinery best that would be the fittest to be put in operation.

3436. Would you extend it to the grand juries?—I have not considered that; I would prefer government engineers for works beyond the parish.

3437. Do you include in the poor all the labouring class?—I would not let any one starve for want of food or employment; the parochial committee would, from consulting on the state and condition of the poor, devise means of employment, independent of putting a poor-rate upon the country, and almost preclude its necessity.

3438. Then your plan goes to improve the condition of the whole labouring class by a scheme of taxation?—Yes; I think the fear of taxation would make the landlords employ the poor. I would hold it *in terrorem* over them.

3439. Are you aware of any parish in which the clergyman, two years ago, finding considerable distress in his parish, and that robberies of provisions had taken place, assembled the farmers, and having made a list of the poor, asked them which would be for their interest, to employ those men or let them continue plundering the provision boats, the amount of which would be levied off the parish?—I have heard it in the parish of Killeck.

3440. Have you heard that the farmers agreed to employ the men according to the number of acres, and that put an end to the disturbance?—Yes, I have heard of it. I think a poor law would vastly raise the condition of the people, and would make them more comfortable. In the next place, those poor beggars going about, reared up in idleness and vice, there would be some means of employing them, and making them useful members of society, whereas they now go through the country carrying moral and physical infection. I have known 11 houses to be infected by a beggar-woman infecting them with fever; and the children are huddled up together with grown-up people in one room, and obliging so many to sleep together. It is horrid to contemplate the manner in which they are reared: the boys become idle and are unfit for any situation in life, and it is not to be expected that they should be good members of society; the girls are reared up idly, and are also unfit to earn their bread; whereas if there was a parochial committee such as I describe, to watch over the morals of the children as well as their comforts, they would provide means of giving them early education, rear them in habits of industry, and get them employment.

3441. Would

3441. Would not such a committee be most essential, and are they not most wanting now to meet this case of cholera?—Yes.

Rev.
Nicholas O'Connor,
29 June 1832.

3442. Do you think that such committees could be got in most parishes in Lonsler?—Yes, I think they could.

3443. Do you not think that these travelling beggars are now communicating the cholera through Ireland?—I think that is the reason it has spread so much in Dublin of late. I think it cannot be stopped without some provision that will prevent the poor from travelling through the country.

Veneris, 29^a die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Mr. John Bray, called in; and Examined.

3444. YOU reside at Mountrath, in the Queen's County?—I do.

3445. What is your occupation?—I am a master Dyer.

3446. In what trade?—In the Stuff line; I have been a Stuff manufacturer.

3447. Has that part of the county been much disturbed?—It has, particularly in the last two years.

Mr. John Bray,
29 June 1832.

3448. By the Whitefeet?—By persons calling themselves Whitefeet and Blackfeet.

3449. Has the character of the disturbances been nearly the same as those in the rest of the county?—Yes.

3450. To what do you attribute this association of Whitefeet and Blackfeet?—I consider them all the same.

3451. From whence have they originated?—I am not able to answer when they first began, but I think I recollect when there was no illegal association in the Queen's County.

3452. It was rather remarkable for being a quiet county?—Yes, it was.

3453. At what time did it begin in your neighbourhood?—I could not say when it began, it was before the establishment of the general constabulary, when a part of the county of Kilkenny was under the operation of the Peace Preservation Bill, and Mr. — had the command there; at that time the Marquis of Wellesley was Lord Lieutenant, and he, in a despatch which was sent to the Home Secretary here, stated that the Queen's County was upon the verge of insurrection, and that illegal associations were in existence, and that meetings were being held at Mountrath.

3454. Was that a correct account?—As soon as this became public, a meeting of the people was held, and a positive contradiction was given to that statement.

3455. It was not true?—No, it was not; there were no such things as illegal meetings at that time. In the course of a very short time after this meeting, a falling out took place between the magistrate and the clerk of the petty sessions, or his own clerk, I do not know which; and it then came out that this magistrate had dictated or rather written a letter, which he caused his clerk to make three copies of, one to be sent to himself, another to the Rev. Mr. Griffith, a magistrate, and another to Captain Skinner, who commanded the Queen's County militia staff, purporting to be anonymous information as to the extent of these societies: so that if I am not able to state who began them first, I can say it was a magistrate who first thought of the plan of them.

3456. How soon afterwards did they really take place?—I could not say how soon afterwards; but I have seen at different times since, in the employment of that magistrate, persons notoriously leaders of the Black or Whitefeet, I do not know which, and these persons were accompanied by numbers of others who

Mr. John Bray.

29 June 1835.

were not day-labourers, or in the habit of working in the neighbourhood of the town; and upon inquiring of different people how this could happen, I was told that they were Blackfeet or Whitefeet making interest with that gentleman.

3457. What induced the people of the country to enter into these associations and commit these outrages?—I do not think that they had any good or sufficient reason for it, nor a plausible excuse.

3458. It was not any ill-treatment on the part of the gentlemen?—No, not that could warrant such proceedings.

3459. Or excessive exaction of rent?—No; though the land is still high, I do not think that in any considerable number of cases there have been hardships; there are high rents charged, but where there is any reasonable ground for seeking for an abatement it is always granted.

3460. Then your opinion is that the country gentry conduct themselves fairly as to the letting of the land?—I do not know that the letting of the land has anything to do with it, for I do not think that any of those disturbers hold any land, except a few of them; they are the very lower orders.

3461. Are they led on by persons of a higher class?—I could scarcely call them the higher class; some of them hold a few acres.

3462. What in your opinion is it they seek to obtain by this system of violation of the law and outrage?—I imagine that the association comes into existence in this way: the Irish are a revengeful people, and they have private quarrels as well as other people; they gratify their passions for revenge generally at public fairs and meetings, they fight there, and decide their differences; and some evil-disposed persons joining them to make a faction, they then feel that there is an obligation upon them to join with this faction that has taken their part at the fairs, and having once formed themselves into a body they feel they have the power to be mischievous, and under the pretence of regulating wages and all those things, they go on to do what they please.

3463. Have they any particular means of increasing the numbers of the association; do they intimidate people to join them?—I have heard so, but I think that those persons who plead intimidation are half inclined to join; I think that the honest men could abstain from joining them by staying in and not frequenting fairs.

3464. Have they not any real grievance to induce them to take this course?—They do complain of the driving off the tenantry, and all those things that are grievances, more or less; but looking at the class of persons really Blackfeet and Whitefeet, I do not think that could affect them.

3465. They make use of what some few may be said to suffer, to turn it into a general cause of complaint?—Yes.

3466. Has there been much turning out in the neighbourhood of Mountrath?—No, I know of none in the neighbourhood of Mountrath that could be so called; there was a street in Mountrath leading to Ballyfin, where there was a number of houses that have been taken down and given to one man, but it was the persons that lived in them that took them down; that could not be called a turning off, it was a matter of private agreement.

3467. Are you acquainted with that large district of Queen's County called Ossory?—No, not particularly.

3468. Have there been any turnings out there?—No, not particularly; I know very little, except in my own immediate neighbourhood.

3469. They were wretched cabins that were pulled down?—Yes, they were.

3470. And better houses have been built?—Yes, they are better houses; but the reason I mentioned this is, that a question was put to me as to those houses out of this room.

3471. Is the magistrate you alluded to in the commission of the peace now?—He had been removed from the commission of the peace at the time of the Lord-lieutenants of Counties' Bill coming into operation, but I understand he has come in again.

3472. Do you attribute the disturbances that broke out to him?—Those people have got an opinion that the magistrates can be corrupted or intimidated.

3473. Do you think that is the fixed notion of their minds?—Yes; and this is the reason why they should think so, probably.

3474. Are the Committee to understand that you attribute in your own mind the breaking out of the disturbances in this quarter to the conduct of this particular magistrate?—Not by any means.

3475. Do

3475. Do you mean to say that the Blackfeet or Whitefeet attribute any leadership to this magistrate?—No, but they look for favour from him, or connivance.

3476. What has been the conduct of the magistrates generally in Queen's County?—Except in two particular instances, they have been active.

3477. You think, except in those instances, the conduct of the magistrates has been praiseworthy and public spirited?—Yes, but I do not know much beyond my own neighbourhood. There was another instance that came under my notice: a relative of mine prosecuted a notorious leader of those Whitefeet for riot, and pending the prosecution application was made to him, as far as was in his power to forego the prosecution; he refused to do so, and the mediator told him, "You are a very independent man, but I can tell you, Sir (I believe the expression was), one of the greatest Brunswickers in your county thinks it more prudent to keep those people on his hands; and Mr. — (mentioning the gentleman's name, this very man) has consented to destroy those sworn informations that have been lodged with him against those very Whitefeet:" he was induced to do so at the instance of A. B., who had lent him some 28*l.* or 38*l.* I sent for the leader of the money the day before I came here, thinking that I might have occasion to mention this; he admitted the thing was so, but made me promise I should not mention his name nor the name of the magistrate; but the fact is, that those informations were never returned and the bills never went before the grand jury, and the Whitefeet think that they can corrupt or intimidate a magistrate.

3478. Those are the only two instances?—Yes, to my knowledge.

3479. Those two instances cannot be known to a great many people?—The Whitefeet take care to let their party know it.

3480. Do you think that they consider that they shall be protected by those magistrates?—Yes, or connived at.

3481. You said, if persons were anxious to preserve the peace and be peaceable and orderly men, there were very few who could not avoid this class of men?—Yes, by changing their habits of attending fairs and drinking at public-houses.

3482. Has there not been a good deal of serving threatening notices?—I have heard of them.

3483. And paying visits at night?—Very frequently.

3484. Swearing people in their houses?—A great deal of it.

3485. And compelling farmers not to dismiss servants or turn off tenants?—Yes.

3486. Do you think that those persons who have been thus treated have not been intimidated?—Yes, but they have been treated as enemies, not as friends; I am speaking of those who join the association.

3487. But you think many have been intimidated?—Yes, but not intimidated into the association.

3488. You do not think that the association is very numerous?—There are a great many of the lower orders; I saw myself more than 100 certainly, or 200, who volunteered and came publicly before the Roman-catholic congregation at Mountrath, to make a public renunciation of their connexion with those associations.

3489. You are a Roman-catholic?—Yes.

3490. Has anything happened to those people since?—I believe not.

3491. Are they still unconnected with the Whitefeet, or have they returned?—I think not.

3492. Are there materials in that country to form an association to enforce peace and obedience to the laws?—I think there are. There would be one obstacle to the forming this association; persons entering into this association might apprehend they would be obliged to interfere in the collection of tithes, and unless that were put entirely out of the question you will form no association.

3493. Is church cess included in the same prescribed due?—It is not paid.

3494. Church cess as well as tithe is objected to?—Yes.

3495. Do the Protestants pay it?—No.

3496. Is tithe objected to as a tax upon property, or because it is paid to an obnoxious church?—It is objected to on the ground of Protestant principles; they refuse to pay it because they consider it opposed to the first principles of Protestantism, and though I am a Roman-catholic, I am a Roman-catholic from Protestant principles.

Mr. John Begg.

29 June 1832.

Mr. John Bray.

29 June 1832.

3497. Do the Protestants refuse to pay tithe from their own feelings, or from intimidation?—I believe from their own feelings; I never refused to pay tithe; I was never asked.

3498. What do you mean by being a Catholic upon Protestant principles?—I think that as a subject of a Protestant king, and a member of the constitution of which we are told Protestantism is a part and parcel, I have a right to be as much a Protestant as I please; and my notion of Protestantism is this, that every man has a right to believe and to profess only that religion that his reason and conscience and conviction leads him to; and I think that that right would be of little value if he had to pay that which he did not choose.

3499. Do you mean to say that the Protestants refuse to pay the ministers of their religion, on Protestant principles?—They may be Protestants, and not be members of the Church of England; they may doubt whether the Scriptures give any right to the claim.

3500. They may observe the tenets without upholding its orders?—They have a right to choose and determine as to any article.

3501. Do the Whitefeet and Blackfeet, in those nocturnal visits, make any distinction between Protestants and Catholics?—They visit Protestant houses to take arms; but the Catholics have been more exposed to personal outrage.

3502. If a Catholic farmer breaks any of Captain Rock's laws, he is as likely to be visited as a Protestant?—I rather think more so.

3503. Is the bond of the association an oath?—One of those associations is bound by an oath; I do not know that the other is.

3504. The Whitefeet?—Yes.

3505. Have you ever seen the oath?—No; there was an explanation about it at the Maryborough assizes.

3506. Do you not think that the respectable farmers throughout the Queen's County would be very glad to have the laws enforced, and property and life protected?—Yes, most anxious.

3507. Do you not think they would be most anxious to join in forming associations, and enrolling themselves?—I have heard several of them planning such a thing, and regretting that the magistrates did not permit them to do it, considering that the chief obstacle.

3508. Has there been a proposal of that kind made lately for an armed association and night patrolling?—I have not heard of it.

3509. What reason have they for suspecting that the magistrates do not wish to join in it?—The meeting where this was proposed, was a close meeting of the magistrates in 1831.

3510. Have the goodness to state the particulars that came to your knowledge respecting it, and the feeling produced in the country by its being a close meeting?—That the magistrates wished to have an association that would be exclusive; merely re-arming the yeomanry under another name.

3511. The impression of the public was, as to this meeting, that the object was to re-arm the yeomanry as before?—Yes.

3512. And therefore the people declined?—They were not applied to in our neighbourhood.

3513. Was any complaint ever made of those magistrates, or either of them, that you spoke of?—No, I do not think there was; it would be rather a dangerous thing, and perhaps I am rather guilty of an act of rashness or temerity in mentioning it here.

3514. Who presided at that meeting of magistrates 12 months ago?—I do not know; I saw the advertisement of it.

3515. Was not the lord-lieutenant's name to it?—There was no lord-lieutenant of the county then.

3516. Was the high sheriff there?—I do not know.

3517. Do you think, if it had been an open meeting, and there had been a fair prospectus of the plan, detailing the objects for which the association should be formed, and it had been merely for the suppression of outrages, and a well-regulated patrol at night in townlands and parishes, do you think that the respectable tenantry of that country, without regarding party or creed, would have come forward and joined 12 months ago?—Not so readily 12 months ago as at the time of the meeting; if it had been done earlier, there is no doubt, or now; but with the feeling at one period, it would be more difficult to form it than now.

3518. You

3518. You think in the beginning such an association could be formed, and that would have stopped it?—Yes, I think so.

3519. One of the resolutions stated that it was to consist of persons of every denomination, not confining them to any particular politics?—If there was such a resolution, it was overlooked by me.

3520. What you mean the Committee to understand is, that the feeling in the country and the impression upon your mind is, that the association was with the objects you have stated, and composed as you have stated?—That was the feeling.

3521. And you are not aware of any application being made to men of your creed to join it?—I believe not.

3522. Were you applied to?—I was not.

3523. Do you hold much land?—I do not.

3524. You are of the class that would be applied to?—Yes.

3525. What are the rate of wages in that part of the country, are they low?—No, they have been higher than for some time in the neighbourhood of Mountrath; they had all last summer a shilling a day, and they refused to cut turf at the hog by task, as they formerly did.

3526. Did that arise in consequence of the disturbance of the peasantry?—That was stated to be the regulation of the White and Blackfeet.

3527. Has not Mountrath been the scene of rioting in past years and late years?—Not of late years.

3528. Within 10 years?—There was a good deal of party spirit at times, about July.

3529. Has it subsided?—Yes.

3530. Are the wages higher than they ought to be, or lower?—I think they are fair now.

3531. They were too low at 6 d. or 8 d.?—They were.

3532. Do you employ many labourers?—Yes, I did; I was extensive; but I have given up manufacturing on my own account; I finish goods for other people.

3533. Who are they?—Messrs. Crotty.

3534. Do you do anything for any English houses?—No, I do not.

3535. Would you have the goodness to state to the Committee whether you have any plan which you have considered for the permanent improvement of Ireland?—I consider the great thing or the thing most wanted in Ireland, is a middle class of society, independent, and at the same time an occupying class, or I might designate them by the name of yeomanry. To create this, I would wish the law to be altered so as to permit tenants for life to demise or grant a portion of their land, a fourth part of it, on leases for ever, at a low rent, receiving in money what might be a compensation for the abated rent: the tenants under this law I would have bound never to charge the land with a higher rent than that reserved to the head landlord, so that while this demise lasted there should be found a person in possession of the land who owned that portion of the land: and as an inducement to the landlord, I would give him a right to enter upon and distrain, not only for the rent due upon this land, but any other land that the occupier might hold of the same landlord. I conceive it would be no injury to the remainder-man or heir, if a fourth part of the estate was parcelled out in this way; it would enhance the value of the remainder, by procuring so many better tenants and customers for the remainder of his estate. Mr. Wise has had a notice of a measure last night, that the money raised by mortgage should be applied to the improvement of the estate: if that bill was ever to be law, the money raised by way of fine could be applied in that way.

3536. Is there not in the Queen's County very respectable yeomanry now?—Not that I know of.

3537. Are there not from 50 to 60 in your neighbourhood that could be trusted with arms?—I do not know that there are.

3538. In the parish of Mountrath do you mean to say you could not get from 50 to 60 respectable yeomen, who would be qualified to act for the preservation of the peace of the parish?—Yes, certainly. I believe we are confounding the question of the disturbances with a project of my own.

3539. Your project is to enable landlords to dispose of their property in a particular way?—Yes, for the benefit of their estate and for the benefit of their country.

Mr. John Bray.
29 June 1832.

3540. You do not mean to say you would convert all the landowners of Ireland into yeomanry?—By no means; every person that is a landlord, above the rank of an operative or a labourer, in Ireland assumes the esquire.

3541. How many acres of land should an individual such as you describe, possess to constitute a respectable yeoman?—I do not think it would require a very great extent of surface; I think from 20 to 50 acres well cultivated would be a desirable thing, if we had a good many holders of that description.

3542. Are there not in the Queen's County a multitude of men of that description?—Yes, at the full improved value of the rent, without any permanent tenure.

3543. You would have them hold them for little or nothing?—Not for nothing; if a gentleman wishes to sell his property to-morrow, if he tries to part with it in this way he would sell it for more money than if he sold it together, and have a rent of 10 s. an acre secured to him for ever.

3544. Is it your opinion that this system of outrage will cease?—It is on the decline, and I think we shall have a cessation soon.

3545. To what do you attribute the change?—In some measure to the punishment inflicted by the commission and at the assizes.

3546. Did the Catholic gentry, in your part of the country, take much pains to check it?—They did everything they could.

3547. Do you think they will be effectual to check it?—I think they will be.

3548. Without the commissions do you think they would be?—No; their strongest argument was pointing out the punishment of the crimes; I mean transportation. I have heard and believe, that the priests have not the influence with the lower orders that they have had.

3549. What may be the cause of the decrease of the influence?—I cannot say.

3550. You have observed that?—Yes.

3551. Is it a gradual or an immediate one?—Rather sudden.

3552. Are the priests anxious to have the aid of the law in support of their influence in preserving the morals and good conduct of the people?—Yes, they know they can do nothing without it.

3553. Do you think that a law to enable persons to be taken up at night, who could not give a good account of themselves, would be useful, not alluding to the Insurrection Act?—A thought has crossed me; if persons who have been convicted as rioters or disturbers in any way, if besides the punishment of whipping or confinement, whatever it was, if the law would allow a stigma to rest upon those people, that they should be stigmatized as rioters for a year, or till the country returned to peace and order, and during that time magistrates should have the power to take them up at any time of the night; but to give them a right to take any body up, I think would not be right.

3554. The question referred to those who could not give a good account of themselves, and who pay domiciliary visits, or persons going about 12 at a time?—I should wish all such persons to be taken up, particularly if found with arms in their hands.

3555. If the country was decidedly in a disturbed state, would you say that it would be proper to have nightly patrols to take up persons out and not able to account for themselves?—Certainly.

3556. You think it would be useful?—Yes.

3557. Are you aware whether or not it is the opinion of the principal farmers of the country that such a power should be given?—I have heard Catholics, and I believe some Protestants too, trying to devise some plan of this kind to put a stop to these outrages, and they always regretted they could not get the magistrates to co-operate with them.

3558. Is there any want of co-operation between the magistrates and the respectable farmers in arranging means for suppressing those outrages?—I never heard that they met at all.

3559. Could you state what the idea of the people was at those meetings you have alluded to?—I heard them express a desire to be sworn in special constables, and several wild plans.

3560. Were there any powers they wished further than the present laws?—What they seemed most anxious for was the countenance of the magistrates.

3561. Are you aware that an application was made to the lord-lieutenant of the county, to which no answer was made?—I have heard of it.

3562. Could

3562. Could you state the average rent of land in your neighbourhood?—In the towns' parks there is, I believe, about a circle described by a radius of a mile or two miles in diameter; the land sets for twice the rent it does in the rest of the county.

3563. What is the sum?—From 50 *s.* to 3 *l.* an acre, that is the annual value of the towns' parks, and from 25 *s.* to 30 *s.* is what is paid for farms.

3564. That is about Mountrath?—About the towns generally in our county.

3565. There is plenty of turbary?—Yes.

3566. You have said that persons convicted of rioting should be stigmatized?—Yes; after passing sentence of confinement, or whatever it might be, I would have it added, that you shall stand and be known in this county as a convicted rioter or burglar for two years; and I would take from that man some of his civil rights; I would have him denied the right of being bailed for minor offences, and have him confined.

3567. Do you think separating these men from the rest of the county in that way, would tend to make them good members of society?—I think it would; several of those fellows have gone to America.

3568. Do you not think it would have the effect of making their relatives discontented?—No; I think where there is an open and fair administration of the law the people are satisfied.

3569. Is there not a great inclination to screen offenders in Ireland?—Yes, greatly so.

3570. They are not looked upon as in this country?—There has been a feeling of that kind.

3571. Is there that feeling now?—I never conversed with anybody who did not wish the Whitefeet and Blackfeet to be stopped by any and every means; and that is the feeling which you do not find in all cases.

3572. How do you account for the difficulty of getting information against them?—There is a feeling against informers in Ireland of a very long standing.

3573. Can you state how long the difficulty of obtaining the arrest of offenders has existed?—A very long time.

3574. Can you account for it?—It is difficult to be accounted for.

3575. Is it from a want of sympathy?—The people generally find the law executed against them and not in their favour.

3576. Is not that a very general feeling?—Yes.

3577. Will not that feeling be changed by the effects produced by the carrying the Relief Bill?—It will in time, but it has not caused such a change as was expected.

3578. Would not every stretch of the law be considered as tending to increase that feeling?—Most undoubtedly, though I am sure that the verdicts of the juries at Maryborough would have been just the same if there had not been so much to do at the selecting of the juries; at the last assizes there was not a single juror in attendance or upon the panel that would not have convicted those Blackfeet or Whitefeet if there was proof.

3579. Do you think that produced a bad impression in the county?—Yes.

3580. Was there an unfair panel?—I will state the circumstances as they happened. I was in attendance eight or nine days as a juror; no Catholic came to the book that was called, that was not set aside by the Crown acting by the directions or under the instructions of the police constable; he was instructing the Crown solicitor. When the civil business was over in the Chief Justice's court, he sent a message to the Crown solicitor, that he would assist Mr. Baron Smythe in trying some cases, and some cases were sent over. A jury was made up by 12 of the first persons found, and they were put into the box; they did more business in two hours and a half than was done during any three days during the assizes.

3581. What jurors were these?—Mr. Tickell, the King's counsel, or rather Mr. Wray, when he came over and saw that eight or nine of the jury were Catholics, objected to the jury.

3582. Are you speaking of your own knowledge?—Yes, what I saw: the Chief Justice seeing there would be a difficulty in forming the jury, told the Crown lawyer he was acting for Mr. Baron Smythe.

3583. Was this at the commission?—No, it was at the late assizes. I am pointing out the delay there was in the administration of justice, caused by this interference. The Chief Justice then adjourned the court, and on the next day he came into court they were about swearing the jury in the case of Rochfort, for the murder

Mr. John Bray.
29 June 1838.

murder of Mr. Gregory, before Mr. Baron Smythe, and he would not diminish the panel before they were satisfied with the jury. At that time there were upwards of 60 set aside by the Crown, and the prisoner exhausted his right of challenge. It was three o'clock before the jury was completed; thus time was wasted, and some prisoners remained over, though the assizes lasted 12 or 14 days; and it is a feeling in the country that in some degree a trial by jury was not had at Maryborough; that the people were not tried by their peers; that a jury from the grand panel (a party considered distinct from the people) were sworn to try offences against the interests of that party.

3584. And you consider that the police constable and the Crown lawyer were the parties who suggested this?—Yes, I saw the police constable suggesting it.

3585. You stated that the jury were objected to, and that the cause of the delay and postponement of the trials was, that the jury was objected to by the Crown?—Yes.

3586. And you say that you speak of your own knowledge?—Yes.

3587. Did you hear any conversation pass with any person upon the subject of this jury?—Not a word.

3588. You say that Mr. Tickell objected to the jury?—Yes.

3589. Did you hear him say anything?—Only the objection.

3590. In what manner did he object?—"I object to that juror;" the prisoner was about to be given in charge, and asked if he was satisfied to be tried by the jury in the box; he said he was.

3591. There were 12 gentlemen in the box, who had been sworn, and had tried other prisoners?—Yes.

3592. A new trial was called on when the Crown thought fit to interfere?—Yes.

3593. You did not hear any conversation passing between any persons on the part of the Crown?—Not a word more than I have stated.

3594. Did you hear anything said in court on behalf of the Crown?—Only the Chief Justice saying he thought a better jury could not be had.

3595. You did not hear anything said by the Crown solicitor?—Only that he objected.

3596. Did you hear Mr. Wray say anything?—He was suggesting all the time the jury were being sworn.

3597. You heard Mr. Tickell say nothing more than "I object to that juror"?—Yes.

3598. Mr. Tickell was the counsel?—Yes, he was acting for Mr. Sergeant Pennycuik.

3599. Were the jury Protestants?—Yes, they were chiefly; but there is a greater distinction just now; that distinction is nearly lost; they were aristocrats, as they called themselves.

3600. Were any of the individuals on the jury which the Chief Justice praised, on the jury that were refused by the Crown?—It was the same jury.

3601. Have you any knowledge of the juries at the commission?—I was not at the commission; I chose rather to run the risk of being fined than to go there and be turned out.

3602. Were they Protestant juries?—I was told there was only one Catholic.

3603. So that during the assizes and the commission, you are of opinion, and it is the opinion of the county, that they were exclusively high Protestant juries?—Yes; I do not mean to say that the verdicts would have been different.

3604. You did not attend the commission?—No.

3605. But it is notorious there was only one Catholic on the juries?—Yes.

3606. Are you able to say whether it is or is not common, when there are Crown cases in disturbed times, that the Catholics are almost uniformly set aside by the Crown?—I never saw it before; and we never had a disturbance in the Queen's County till this, in my knowledge.

3607. How long have you been resident there?—Since I was born; but I have not attended assizes.

3608. And are you of opinion that the practice of challenging and setting aside Catholics has a tendency to increase the public discontent?—No doubt.

3609. Can you be surprised that people refuse to join magistrates to keep the peace?—It is not so surprising; we have not been asked in my neighbourhood.

3610. Suppose

Mr. John Bray.

23 June 1832.

3610. Suppose they had been, should you be surprised if they declined?—It would not be surprising; I do not think they would.

3611. Would it not be surprising if they did, after such circumstances as you have detailed?—It might be.

3612. Who was the high-sheriff?—Mr. Thomas Kemys, of Shane.

3613. Is there much dissatisfaction expressed in the Queen's County at the heavy cess imposed by grand juries?—It is always complained of; the farmers are always complaining of rent and taxes.

3614. Do they complain merely of the cess from the heaviness of the cess, or from the misapplication of the money afterwards?—There has been an association formed in the Queen's County to traverse presentments, a kind of opposition grand jury; I do not belong to it, and do not know much about it.

3615. Do you think, if public money levied by grand juries was properly applied to public works, and the people saw that the result was the employment of the poor, and that considerable benefit resulted in the improvement of the county, that they would have any objection to paying the cess, or consider its amount them too heavy?—They would complain less, they would have less reason to complain too; but I do not think there is any very strong feeling upon that subject.

3616. You do not think the cess is very heavy?—It will be heavier just now.

3617. Can you state the general rate per acre of the county cess?—I think it was 1 s. 5 d. lately; it was about 3 s. per acre for the year.

3618. Are you aware of any extraordinary degree of abuse in the application of the funds levied by the grand juries?—I am not personally aware of it, I do not know it of my own knowledge; but there must have been some ground; they could not have formed the association such as they speak of, if there was not some ground.

3619. Is that society numerous, has it extended through the whole county?—I do not know; I know several members of it, but I was never at any of their meetings.

3620. Do you think they have any objection to the grand jury on account of it being nominated by the high-sheriff, and being composed in many instances of persons not immediately connected with the people?—I could not answer as to the public feeling upon that point; the public mind is so occupied with other things and these disturbances, they do not talk so much of the grand-jury grievances, if they exist.

3621. Do you think if the grand jury were confined to its judicial duties, and another body constituted of a representative nature, elected by the rate-payers, that it would produce greater satisfaction?—Undoubtedly.

3622. Do you think that it would be a sensible plan?—If the law allowed it, it could be done.

3623. Do you think any riots would result, or any election contests, from this body being so elected by the rate-payers?—If to be a member of that body was to be a lucrative concern, there might be a squabble about it.

3624. If it was merely confined to the honour of being elected by the people, and having the disposal of the public funds of the people?—I do not think there would be any great struggle for it then.

3625. Do you not think it would be an object of ambition for any person to have the distribution of large sums of public money?—It might be an ambition; but I do not think the gentry would seek so eagerly after it.

3626. On what do you ground your conclusion; from any circumstance that has come to your knowledge?—I have seen where a matter of public interest was concerned, and where a commission issued to some of the gentry of our county, it was in the case of the valuation of land for the erection of a district lunatic asylum in the Queen's County; the commission came down to inquire and find the value of those lands, and sat for four days; at this there was a very numerous attendance of the commissioners, and on the conclusion of the proceedings some of those commissioners felt very much disappointed that they were not to have remuneration for their trouble, so much so that one of them, I am informed, actually refused to sign the return. A second commission came down, when it was determined to enlarge the site of the asylum; a jury was summoned, and I was in attendance as a juror; but a single commissioner could not be had, or not more than one, to do the business of the public, as they found there was to be no money in the case. The sheriff had to hire carriages to send about the country to the

Mr. John Brog.

29 June 1832.

noblemen and gentlemen to come to the meeting, and it was eight o'clock in a summer's evening before the jury were sworn; so that if you do not pay the gentlemen, you will not have many of them.

3627. How do you account for that anxiety to be upon grand juries, where they are not paid?—Judging from what I have stated, I suspect that they must have some interested views.

3628. You think, though they have no regular salary, you could not say they were not paid?—They have some interested views in it.

3629. Do you suppose that any grand juror puts money into his own pocket?—Not directly. I have heard and believe that landlords have got their rents paid from the treasury of the county, by having got roads and other jobs from the county.

3630. You consider that a great abuse?—Most undoubtedly.

3631. Do you think, in case this body were representative, that they could put this money indirectly in their pockets, or remunerate themselves in the way you speak of?—I do not think there was ever any public body in which a job could not be carried on.

3632. Then if they feel anxious to be upon the grand juries, why should they not be anxious to be upon these county boards, if jobs are sure to be carried on?—I think the thing might be left as it is; there is no reason why they should not, if there are jobs.

3633. You think there would not be jobs in those representative boards?—I suppose that improvement would be the object of the alterations.

3634. Would they be less liable to jobs than at present, when they are nominated by the sheriff?—Unquestionably; the people would have the means of checking them upon their next election.

3635. Are you at all aware of anything of this kind going on at the present moment among the grand juries in the Queen's County, of persons getting roads made to pay their rents?—No.

3636. Do not all the presentments go before the road sessions?—I was never on any of those road sessions but one.

3637. They have an opportunity of checking anything of the kind?—Yes, there is a society formed for that purpose.

3638. This society, of which you spoke, has stopped two or three presentments of late?—Several.

3639. Why do you suppose they were stopped, unless they were jobs?—They were stopped by traverses. I am not conversant with the transactions of the society.

3640. May not presentments be successfully traversed on the merits of the application, independent of their being jobs?—Yes, they may.

3641. Do you allude to the society opposing presentments before they are granted, or traversing them afterwards?—I have known both; I was never present when a traverse was tried.

3642. You are acquainted with Dr. Smith of Mountrath?—I am.

3643. Has the result of the society which was formed to traverse 'grand-jury' presentments, been an improvement in the roads of the Queen's County?—I understand that the grand jury have been huffed; they take it very badly, and they will not make necessary presentments.

3644. Are the roads better or worse than they were before the society was formed?—They must necessarily be worse; they will not make any presentment.

3645. The grand-jury system is the cause of great discontent in the county?—Yes, it is.

The Rev. John Burke, called in; and Examined.

Rev. John Burke.

3646. YOU reside in the county of Westmeath?—Yes.

3647. Has that county been disturbed?—There did disturbances take place in part of the county, but not to a considerable degree in my part of the county.

3648. Was there any association of the description of Whitefeet or Blackfeet, or under any other name?—I do not understand that the society of Whitefeet and Blackfeet did come into the county; they may however come into the county without my knowledge partially, but in any extensive way they did not penetrate into that county.

3649. Are you a Roman-catholic clergyman?—Yes.

3650. Is

3650. In what part of the county of Westmeath do you reside?—Near Castle Pollard.

Rev. John Burke.

29 June 1832.

3651. Are you the clergyman of that parish?—I am.

3652. Have there been in Castle Pollard any disturbances of any sort, either connected with Ribbonism or Whitefeet, or any affrays between the people and the police?—Shortly after I came into that neighbourhood to live, I understood that the Ribbon association was penetrating into that parish from the counties of Cavan and Longford; and since that it has almost, if not entirely, ceased in the parish; I should think that the individuals were very few that were connected with it.

3653. What was the date of your first connexion with the parish?—I think in January 1830; I have not been long there, not more than two years and a half.

3654. Are the Committee to understand that the district in which you live is now in a state of perfect tranquillity, or is it in a degree tainted with the infection of Ribbonism or Whitefeet that exists in other parts of the county?—There have not been any manifestations of it in the last 12 months, but there were some robberies committed of arms; but I should think those acts of outrage were done for the purpose of arming robbers who had plundered houses, but I do not think that they belonged, or if they did they were not connected with the parish; if the origin belonged to the body of Ribbonmen, they assumed another character, that of robbers, subsequently.

3655. Do you recollect a petition presented by the magistrates of Westmeath to Parliament, complaining of the state of the county, and calling for severe measures?—Yes, I do.

3656. Was it signed by any magistrate in your neighbourhood?—Yes.

3657. Did you see it?—I did.

3658. Did you agree that the county was at that time in a state of very great disturbance?—No, it was not; there were some outrages of a very aggravated nature committed in the county.

3659. Was it in that state to require additional laws to repress outrage?—I do not think it required any new laws to suppress it.

3660. Is the county at present quiet?—I have heard of no recent outrages committed in the neighbourhood, except the report from a clergyman, I believe he is; I met him at Mr. Ruthven's apartments; he stated Mr. Medger's house was attacked: this was on the statement of a gentleman from the county of Monaghan.

3661. Are there any circumstances in your knowledge that have caused great excitement and discontent in the peasantry?—There were those causes existing since I came there, and I understand they had existed previously to that.

3662. Will you state to the Committee what those causes were?—The principal cause of disturbance from which I think these outrages grew, was the conduct of the police, which was very displeasing to the people long before I had come into that neighbourhood; and the conduct of a particular agent of an English nobleman towards the tenantry, caused a great deal of discontent and a great deal of distress, which I witnessed, and which I understood had existed prior to my coming there.

3663. Are you aware of any outrage having occurred upon any estate of an absentee nobleman in your parish?—Yes, I am; I suppose I am called on to give an account of what happened to the process-server.

3664. State to the Committee what occurred on the estate of the Duke of Buckingham, that caused the process-server to eat his process.—There were some tenants of the Duke of Buckingham, some of whom were in great poverty, and others more comfortable; there were arrears of rent, some of which were due 20 years, as I have been informed; they told me, and I heard it from others also, that they believed those arrears of rent had been cancelled, inasmuch as they occurred at a time of great distress among the farmers, and they were not pressed for the payment of those arrears these six, seven or eight years past; whether they were asked for them immediately after they were due, I cannot tell, but at all events they were not asked for them these six or seven years past, as they told me; they were demanded this year, and at the termination of the last year, about Christmas; they were unable to pay them, and they declared to the agent they were unable to pay them, and he had latitats served upon them in consequence of their refusal to pay from their inability; those latitats were served by a person of the name of Gahagan, who came to that neighbourhood I think the 5th of January of the present year; he served some of the tenants, and some of the others he had not found to serve: it appeared to me, as far as I could learn, that they quitted their

Rev. John Burke.

29 June 1832.

their houses to avoid personal service, and had gone to their friends in other parts of the country. Having had some of the papers in his possession, which he did not serve, he came on the 6th of January, convenient to the chapel at which I attended, and at a distance of less than a quarter of a mile; he waited there, as I believe, with the intention of serving the remainder on them as he would meet them going to mass. After my attendance at the chapel was over, he was mounted on his horse and a crowd round him; there appeared to me about 30, some women, some little boys, and some men; he was arguing with them, and they seemed to me to be abusing him for coming there to serve the papers, and he said he would do what they liked with them. As I passed (it was then about 20 minutes past 12, and I was obliged to be at another chapel about two miles distance at one) he spoke to me and said, "Mr. Burke, will you see no harm done to me." He knows me well. I do not recollect I had known him before, but I was going very fast, and I stopped and turned to him, and told them to do that man no harm, and I drove on. I knew the body of the people were not inclined to do him injury, but I thought that some might be inclined to do him some injury; and I overtook two men, and told them to go back and tell them to do him no harm; and as an inducement, I told them it would be no use to them, as he had served the papers; and they said they would. They returned, and I went on to the chapel. I understood, however, that they caused him to swallow one of the lititats. I heard them say as I was going, "You ought to be made to eat it," and I heard him say he would eat it. This I do not think proceeded from a determination to make him do so, it was rather a sort of menace that it did not seem they would enforce, and he seemed to acquiesce, without any great apprehensions either: after having swallowed the paper or parchment law notice, he gave them out the rest, and he and they, he principally, tore them; they tore some of them, and he tore the most, and went on afterwards to Castle Pollard. He was at the house of the son of the driver, when they stopped; the driver's name was Cunningham; and on the petty sessions day, (I will not say whether it was the next day appointed after that or not, but a market day at Castle Pollard very soon after,) and the driver attended there, and identified two men; he swore against two men, and lodged examinations against them, accusing them of this act of stopping the process-server, and forcing him to eat his papers; those persons were in the market of Castle Pollard, and ran away immediately. Some time after, the brother of one of these was arrested by the police, he and two more men; the brother of the man who was first identified was Fagan, the other two were Duffey and Flinn. Eight police, as I am informed, went out in the evening to the houses of Duffey and Flinn; there were six of them entered the house of Duffey, as I was informed, and the other two went to the house of Flinn. Flinn was a widow's son, and there were more of the family of Duffey, and that is probably what caused the greater force to go there. The police were drinking in an unlicensed house, what is called in Ireland a shebeen-house, as I am informed, for two hours, and after that they went there; there was a sergeant with them, and they arrested Duffey and Flinn. Duffey told them he would go with them, but they wanted to put handcuffs on him, and he refused to submit to it; he said, there are six of you, you can easily take care of me: he refused to let the handcuffs be put on, and they knocked him down, and some of them put their knees upon his mouth and chest, and cut him very severely in the gum and in the jaws by the pressure. They brought the three into Castle Pollard; they did not bring them before the magistrate immediately, perhaps there were none in the town at the time I have been speaking about, no magistrate being in the town, but they were kept there from 30 to 36 hours in a place called the Black-hole. After this, Mr. Pollard and another gentleman attended; I do not know whether Mr. Evans or Mr. Gibbs, nor do I know had Mr. Pollard then the commission of the peace taken out, but they committed Fagan to prison at Mullingar, and they set Flinn and Duffey at liberty. Fagan was committed, and the chief of the police, Mr. Hemsworth, had him committed to Mullingar; he said it was against him the depositions were taken, I think he said by Uniacke, residing about 14 miles from Castle Pollard, and 17 miles from their place. On the Monday after the two men were liberated, Duffey and Flinn came to me; Duffey complained he was very much abused and beaten by the police. I asked him for what did he resist them; he said he did not refuse to go with them, but resisted putting on the handcuffs. I inquired particularly whether he gave offensive language, or refused at all to go with them; he said he did not; and he showed me the wounds on his face, and he said he received wounds on the body

too. He asked me, what would he do; my answer to him was, "Surely you know your remedy; cannot you complain to the magistrates how you have been treated?" He answered, "Sure, we will not be heard against the police; do you not know that we will not be heard against the police?"

Rev. John Burke.

29 June 1835.

3665. Did this occur in the month of January?—No; it was a considerable time after the assault they were arrested, it was shortly before the assizes. I stated to the Committee that it was not at the petty sessions immediately after that the statement was made by Cunningham, or the examinations, and it was some time after this that the examinations had come from Mr. Uniacke, as I understood; I did not see Mr. Uniacke's name. I told them that they would be heard, to go to the magistrates; they said they would not go, unless I was with them, or some one to have their complaint preferred. I said I would go with them, and I accordingly attended at the petty sessions; they complained at the petty sessions of this treatment; they were asked why they did not get a summons; they said they applied the Monday before, by my directions, for a summons, and that they were refused; they knew the sergeant and another that was against them, and they knew they applied for a summons.

3666. Who did they apply to?—To the clerk that generally gives the summons—the clerk of the petty sessions; having been refused the summons, he referred them to Mr. Deace, and Mr. Deace referred them to the petty sessions, and that was it that brought me to the petty sessions. They were asked at petty sessions why they did not apply for a summons, and they said they were refused them; but they said they knew the men, and they pointed out one of the men who had maltreated them, who was by. I asked the magistrates would they call on Mr. Hemsworth to draw up his men, and they would identify them who maltreated them. The magistrate asked the chief of police if he had any objection to it; Mr. Hemsworth said he had; that his men were entitled to the same courtesy as other persons were, and that other persons got notice of a regular summons being served on them before they were brought to the court to answer for charges. I made some observation about men under discipline, who ought to be ready at any time that there would be a charge made, and that the military were accustomed to be arraigned immediately that the charge was made. Mr. Hemsworth said he would not; but the next petty-sessions day he would draw up his men: he afterwards consented to draw them up that day, after the petty sessions was over, and when the complainants applied to him he refused to do it, and the magistrates had gone away. On the next day of petty sessions they attended again by my advice, to prefer their charges, and I attended also. When I went into the petty sessions it was crowded with police, there were about 18 of the police in the small place outside of the magistrates' table arranged, and those two men were inside, standing by the table at which the magistrates do their business; and one of the policemen put his hand across to stop me, and I passed by him and got in to the fore-part of the room, and I asked one of the complainants was his business on; on which one of the police stepped forward and seized me by my right breast, and said, You shall not speak to the man; stand back. Another on the other side put his hand to me this way (*describing it*), and said, Stand back, sir, stand back. I said I would not; they repeated, Stand back; and I told them to stand back themselves, that I would not; they expressed this in a menacing way. The magistrate then stood up and told me that I could not speak there. I saw the lord-lieutenant of the county, the Marquis of Westmeath, and I called upon him and said, I perceive the lord-lieutenant of the county is here.

3667. Was he present at the petty sessions?—Yes, he was.

3668. Not at both?—At that alone. "I perceive that the lord-lieutenant of the county is here; and if his lordship will allow me to speak, I wish to ask a few questions about the cause of the arrest of those men, and also to state what their complaint was." I do not exactly repeat the words I then said, but that was the substance. Lord Westmeath told me that they were prisoners; I said, when I saw them, when they were coming in, they were complainants, and that I hoped the charge that they made against the police would be inquired into. The magistrate repeated again for me to hold my tongue; I told him I would not unless commanded by the lord-lieutenant of the county; that I would appeal to him. Lord Westmeath said he was not disinclined to hear what I wished to say. His lordship then let me describe the maltreatment of the complainants, but said that

Rev. John Burke.
25 June 1832.

there were examinations lodged against them for being concerned in the outrage upon Gahagan, and that they were under arrest for it. "How could they be identified?" he said that Gahagan had identified them. Gahagan was then in the police barrack, the police being drawn out before the barrack, in order for them to identify the police that had maltreated Duffey; the process-server was within one of the barrack windows looking out, and of course saw those two persons. I asked could bail be taken; they said it was not usual with them to take bail on examinations not given by any magistrate of their sessions, but that they would write to Mullingar to have bail taken there. I asked about Fagan, the other man, who was in Mullingar prison, why was not bail taken for him; and I stated to the lord-lieutenant of the county that the magistrates had sent his friends to Mullingar, and that they had been sent back from Mullingar to Castle Pollard; that the object of obtaining bail for him was frustrated, and that he was left in prison in a case that was bailable. This was denied by the magistrates, but it was fully admitted by Mr. Evans, one of the magistrates of the petty sessions, who gave a full statement of it afterwards. I told the two men that it was not necessary for them to offer bail, or be under the expense of getting a bail-bond drawn, as the assizes were approaching so closely; they went into prison, and were tried at Mullingar, and if the Committee choose to have the evidence given, I can give it.

3669. What was the result of the trial?—The result of the trial was that Fagan was acquitted, the one committed originally, and who remained in prison from the time the affair took place till the assizes; and the other two men were convicted and sentenced, one to three months and the other to eight months imprisonment. The men who came forward to make the complaint were convicted, and the other was acquitted.

3670. The individual who was first committed was acquitted?—Yes.

3671. How many months did he remain in gaol?—Not more than a month or five weeks.

3672. Was anything done with respect to the police against whom they went to complain?—No, nothing.

3673. They were never paraded?—No.

3674. The men went to complain against the police, and it ended in their being committed to prison, and confined and convicted?—Yes.

3675. How many magistrates were upon the bench?—Four magistrates were upon the bench.

3676. Was there any complaint made at the moment against those magistrates for refusing to take bail for a bailable offence?—I did not complain.

3677. Was there any complaint?—The proceeding at the trial itself discouraged me from making any complaint to the Judge.

3678. Who appeared and gave evidence against those men on the trial?—Gahagan, the process-server, and the driver gave evidence too; they were both summoned on the part of the Crown. The process-server was asked, "Do you know the prisoner at the bar?" "Yes." "Was that man (speaking of Duffey or Flinn) present at the outrage on you, or did he stop you?" "I believe he was." The Judge said immediately, "Believe will not do; you must swear positive." He then swore positively to the three. He was examined upon what they had done, and he charged Duffey with having been amongst those who stopped him, having examined the papers, the originals and copies, and being of the party who tore them; and he charged Flinn with having pulled him down from his saddle when he attempted to mount his horse; and he charged Fagan with having told him prior to the outrage, "If you give up the papers nothing will be done to you;" that was the man that was acquitted. Gahagan was the next called on the part of the Crown, and he declared the three persons at the bar were not concerned in it; he stated he had lodged examinations shortly after the outrage against two only; one was the brother of one of the prisoners.

3679. Do you believe that this circumstance, of which you have given a detail, has contributed at all to the disturbances that have taken place in the country?—No, I cannot say it contributed at all to the disturbances, for I do not know of any that have taken place; but that trial and the whole proceedings tended to give to the people a complete distrust of the administration of justice.

3680. Did this distrust take place before?—Yes, it did partially; but it greatly increased.

3681. Has any other case come to your knowledge in which the people were refused redress of injuries?—There was some other case at Castle Pollard.

3682. Was

3682. Was the Castle Pollard case previously to this?—Yes.

3683. Were you the parish-priest at Castle Pollard at the time of the affray with the police?—I was not. I know, in all the disputes that go before the petty sessions at Castle Pollard, that the magistrates in some cases seem to me to avail themselves of a jurisdiction they do not possess, that of settling cases of disputed property, or sending them to the agent of the estate to settle.

3684. Do they do that without the assent of the parties; have you ever known the magistrates do it without assent?—I know them to have sent two men, of the name of M'Loughlin, and Brady, to the agent of the Duke of Buckingham; they told them they should abide by the decision of the agent, and that was a case that seemed most extraordinary to me: it was a right of passage for putting down manure and potatoes, and it could not be known when the agent would come there, nor did he come till some time afterwards; and at the time that the potatoes should be planted there was no one to decide, and the man might have been left without support for his family in consequence of this.

3685. Was this against the consent of those men?—One of them was decidedly opposed to it.

3686. Is it not customary for magistrates acting in petty sessions occasionally to refer cases in the way mentioned, with a view to save expense, and to save bad blood and prevent the increase of litigation?—Yes, and it has produced a deal of good; one magistrate has been anxious to do so, and they generally leave it to the decision of the agent resident, who can decide it immediately, and in general those decisions appear satisfactory, the agent generally decides what is fair; or they leave it to the arbitration of two of their neighbours; but to leave it to a person living 60 miles from them seemed an extraordinary thing.

3687. Then the inconvenience has not resulted from the practice of the magistrates, but the absence of the agent?—I think that the magistrates wished that the agent should be entirely pleased with the matter, and that nothing should be done by the tenant upon the estate without his consent; at the same time they did not take the means to obtain that consent in time.

3688. Suppose the agent to be there, was not he the very best person to refer to?—Yes, the very fittest person.

3689. You have stated there was a general distrust, and that the case to which you have referred of the process-server, has tended to increase that distrust in the administration of justice in Ireland; do you believe such a distrust existing is not a sufficient cause to account for a good deal of the discontent and consequent disturbance of the county?—I think that has tended with other causes to cause this disturbance.

3690. Have they the same distrust of judges and juries at assizes that they have of the magistrates at petty or general sessions?—I perceive that the want of confidence in the judges is greatly increased, or on the increase in Ireland.

3691. Have any labourers been driven out of employment for giving evidence against the police?—Yes; I know a man holding under a magistrate, a considerable proprietor in my neighbourhood: after the Castle Pollard affair he was working in his garden, and the gentleman who owned it came to him, and said, "You are a perjurer, you swore against an innocent man." "Who was the innocent man I swore against?" "You swore against the police, who were innocent." "I did not; I never swore a false oath against any one." "You did; begone out of this!"

3692. Was one man turned out of this, or more than one?—I cannot give evidence to more than one.

3693. Did that occur lately?—Immediately after the trial.

3694. How are the petty juries generally composed in the county, as far as you know?—The petty juries, where there is a question about common outrages, which do not affect the tranquillity of the country (such as ribbonism, where outrages are perpetrated through revenge or personal motives), I hear no complaint of them; but where there is a question of persons being tried for offences against the peace of the country, such as ribbonism, in which there are questions between the police and the people, such as at Castle Pollard, the panel of the jury has been invariably so constructed as that Roman-catholics were excluded from the jury.

3695. Has this been noticed by the people?—I believe there are very few who do not know it.

3696. Has it made a strong impression?—It has.

3697. Were not there Roman-catholics on the jury at the Castle Pollard business?—Not one.

Rev. John Burke.

29 June 1830.

3598. Were there many persons at the petty sessions when you proposed to give an explanation of this attack upon Duffey?—My curate, Mr. Gainsor, was in it.

3599. Were many persons assembled?—No one was allowed to be there at the time; there were some came in before it was done, a Mr. McCarty, but at the time I went in there was no other one there.

3700. Is dissatisfaction equally expressed towards the grand jury of the county?—There is not, equally expressed; it does not bear upon the feelings of the lower orders of the people so much as the administration of justice through the means of petty juries.

3701. Have you known any case of their ignoring bills, that have been unsatisfactory to the people?—I have known a case; in the county of Meath there was a man killed on a fair night; his name was John Cosgrave or Coskenny.

3702. How long is it ago?—It is some years back.

3703. Was there anything particular in that?—The police were charged, and the inquest jury brought in a verdict of murder by some of the police, and the bills were thrown out by the grand jury.

3704. Have they the opinion that cases of jobbing frequently occur in the grand jury?—Yes, there is such an opinion.

3705. Is there any great waste of money?—I have not examined that.

3706. You have stated that in legal questions arising between the police and the people there is a general impression that Roman-catholics are purposely kept off the juries?—Yes.

3707. Are the Committee to understand from this that the police are, generally speaking, Protestants?—Yes, in that country they are.

3708. Are you aware it is requisite for a policeman to be able to read and write?—Yes, I am.

3709. Do you conceive that education is as extensive among the Catholics as the Protestants?—In proportion to their respective numbers, I do.

3710. Were many persons present when the magistrate desired you to be quiet, and you rebelled and said you would not?—I appealed to the lieutenant of the county, and he said he was inclined to hear me.

3711. Were any of the people present?—Nobody but my assistant.

3712. Is that the doctrine you inculcate upon those persons over whom you have influence, namely, that if the magistrates do not choose to submit to your dictation, you will not submit to their authority?—I do not think it was a matter I brought before the people, which I founded any doctrine upon; and with regard to my own conduct, when I see a superior authority, and I appeal to it, I do not think I treat with disrespect the minor authorities. If there had not been a superior authority, I should have bowed to them.

3713. Were you under the impression that the lieutenant of the county had a superior authority to the magistrates?—Yes.

3714. And it was from that you acted?—Yes.

3715. Do you conceive that the magistrates have a right to make a close court of the petty sessions?—I understand that their court ought to be open, but I know that it was not.

3716. The police began of their own authority by preventing you attempting entering, and one of the magistrates desired you not to speak?—Yes; I said I did not see any harm to speak to the prisoner.

3717. That was not in the first instance, but after the second order given to you?—Yes.

3718. Were the police acting under the authority of the magistrates in stopping you?—I cannot say.

3719. Do you think they would have taken upon themselves to stop a gentleman entering the court, without the authority of the magistrates?—I cannot say; I have known them to act of their own authority.

3720. Do you not know that they do so under the order of the magistrates?—I have known them act without the order of the magistrates.

3721. Is it the practice to keep the court entirely clear?—No, it is not; but that day it was done.

3722. There was a large crowd that attended?—No, there was not; nor did there seem to be a great anxiety.

3723. Have the police shown activity in other ways, in objecting to petty jurors?—Yes, they have.

3724. Hart

3724. Have the police a right to lay hold of any man, except when taking a prisoner?—No, except there was an actual violation of the peace.

3725. When the policeman laid hold of you by the collar, he was doing an act that you conceive he had not a right to do without the authority of a magistrate?—Yes.

3726. What was your object in speaking to the prisoner?—To inquire whether his complaint was attended to.

3727. Was it when you went so to speak to him the policeman stopped you?—Yes.

3728. Did he do so without orders?—I did not hear any orders given.

3729. Do you not think that it is usual to prevent persons speaking to prisoners and interrupting the magistrate?—They were not speaking at the time; it was a common offence; if it was an offence of a very serious nature, all these precautions would be necessary.

3730. Did you make any representation of the conduct of the police to the magistrates?—They saw it.

3731. Did they restrain the police?—The police did not continue to hold me.

3732. Did you ask permission of the magistrates to speak to the prisoner?—I did not know he was a prisoner; I did not know there was any necessity.

3733. Did you not see the handcuffs?—No, he had no handcuffs on then; but after he was committed to the barracks, about five perches distance, they put handcuffs on him, but Lord Westmeath prevented it.

3734. Was he violent?—No.

3735. Of what description were the handcuffs; were they small or heavy?—I do not know. One seized him, and said, "We had better put the darbies on him." I did not know of what kind they were.

3736. Can you give any instance in which the police have interfered in the calling of the petty juries?—Yes. On the trial of the policemen for the affair at Castle Pollard, the chiefs of two or three neighbouring districts, one of them in particular, who seemed to know a great deal of the county, was suggesting to the attorney for the prisoners to object to jurors, and I heard him say, "No, damn the one of them shall be on it;" that was when a Catholic was called.

3737. He might have said that merely as a general expression; do you know any instance in which he actively interfered?—I do; he interfered in calling many of the names on the jury.

3738. Do you think the police are generally very effectual in quelling disturbances at fairs, or other parts of the country?—I do not think they are.

3739. Have you any reason to believe that the police interfere in directing jurors to be set aside by the advice or wish of the officers of the Crown?—I cannot say.

3740. Can you form any judgment upon the subject?—No.

3741. Are there not cases in which the police are afraid to act in suppressing disturbances at fairs?—The police at fairs, as far as I have seen them, when not guided by a chief, have not contributed to allay the disturbances; where I know a chief who did attend with the men, I have always seen him succeed in quelling disturbances in houses, but in other cases, I have known the men to rush in and take their muskets by the barrels and strike down men with the butts of their guns.

3742. What do you think of the chiefs of the police in your county; what is their conduct?—I do not know them all; I know one of them in Castle Pollard, and he seems to be a good deal of a party man.

3743. Is that the general character of the police, that they are party men?—Yes, violent party men.

3744. Do you attribute that to the circumstance of the people being hostile to them, or to the exclusive manner in which they were originally formed?—The policemen I know in Castle Pollard I believe them to be Orangemen, and in their intercourse with the people they were accustomed to use expressions that showed a hatred to the Catholic population of the country.

3745. Were any complaints ever made of those expressions being used?—In general they think it useless.

3746. Was there any complaint made?—None, except the one brought before the magistrates.

3747. Have not the Roman-catholic clergy at fairs been obliged to interfere to quell disturbances when the police would not appear?—Yes, I have often done

Rev. John Burke.

29 June 1832.

11. I was in the fair at Castle Pollard that day when the chief was struck; he was struck certainly; it was at two o'clock in the day; and seeing a crowd I ran, with another clergyman who was with me, to the place, where we saw the crowd moving down to the barracks; we saw some stones thrown, but we moved on still, and tried to quell it; but the people were after rescuing a man from the hands of the police, and striking the chief; I followed the crowd back again; I saw a female in the crowd greatly agitated, and shouting; I said, "Is this a place for you? you are setting on these people." "Oh no," said she, "that is my brother; I am striving to bring him home;" I said, "I will assist you;" and I went up to him, and caught him by the collar; he seemed in a violent state, partly through drink, and partly through passion. I told him to go out of the fair, or I would make him; he said he would, and I made the people round promise to put him out of the fair.

3748. Did the firing that took place at Castle Pollard by the police, occur in consequence of any resistance on the part of the people?—As far as I could learn, the people were very riotous some time before; the riot had ceased from about 20 minutes to a quarter of an hour before the firing had commenced. I give what I heard stated in evidence before the solicitor-general of Ireland on the inquest, and what I learnt myself, and what was given in evidence at the trial; I was not there.

3749. You say the police are exceedingly unpopular now; is there any measure you would suggest for another mode of appointing the police, instead of the present manner of appointing them?—I should first say that I think the appointment of the police was most unhappy; I think they are the most violent men of party feeling who are generally chosen for policemen, and I think they must have been the favourites of those who chose them; some of them were their gatekeepers; some of them have other connexion with the establishments of those gentlemen; but taking them altogether, they were men of too strong party feelings to be conservators of the peace. It is difficult to think of any way in which any amendment could be introduced; but I think if it were rightly undertaken it could be managed. I would recommend each parish to select men under the guidance of the magistrates, and also consulting the clergyman with regard to their conduct; but I do think that the selection of the men to be chosen ought to be in the persons of the parish, by assembling the freeholders and landholders of the parish.

3750. You think the freeholders of the parish should choose them, and that the names should be afterwards presented to the magistrate?—If they choose them, they will be of the best description.

3751. Would you give a right to the magistrates to choose the best men?—Yes, I would, to choose them from those elected.

3752. Do you think that would combine both parties in the parish?—Yes, I think that the magistrates ought to object to any that they thought were unfit men; and there would be a concurrence between the two classes.

3753. Are vacancies in the police filled up by local magistrates or the superior officers of the police, under the directions of the Government?—I do not know how that is.

3754. You are aware that the police are not employed in their native counties, but that they send men from the north to the south, and from the south to the north?—Yes, certainly.

3755. What countrymen are they at Castle Pollard, of which you complain?—They are of different countries.

3756. Were any hostile expressions used by the chief of police to your parishioners?—It was a taunting expression about politics. "Did you hear any news?" said he. "I did not." "I did," said he. "What is it?" "Lord Grey, and all the rest of them are driven to the devil; that is the news."

3757. Do you attribute the unpopularity of the police to a feeling of religion, or to the discharge of their duty as police, and also to their removing road nuisances on the roads; shooting dogs, putting rings in pigs, and those other matters to which the people of Ireland were not accustomed till lately, and of which a great many complain?—They were not remarkable for irritating the people on such subjects as that in Castle Pollard; they were in other places; but those police with whom the country people had an alfray were not complained of for that; but I have heard complaints of it in other places; at Athboy they were complained of for interfering with the people; I do not think they entertained any antipathy

Rev. John Burke.

29 June 1835.

antipathy to them for being Protestants, but where they believed them to be influenced by party feeling they did.

3758. Are they all Protestants?—Certainly; there was no Catholic stationed at Castle Pollard till the unfortunate affair of the 23d of May; since that there was one occasionally; I believe the same person.

3759. Have the people any objection to the military?—They have not.

3760. There is always an officer accompanies the military that go to chapel?—There was.

3761. Has any objection been made to that on the part of the priest of the parish?—Never.

3762. What regiment is stationed there now?—The 59th was lately stationed there.

3763. Do you recollect an officer of the name of Matson going with the Roman-catholic soldiers to the chapel?—I do not know his name.

3764. Do you know whether the priest of the parish ever from the altar mentioned that it was an intrusion that officer coming and sitting in the gallery?—Never; he occupies the most respectable pew in the chapel; and I have told those persons who own that pew to forego any convenience on account of the officer; that they should offer no disrespect to the military; and they even let the common soldiers occupy the pews.

3765. Have you known any oppressions practised in respect of land in your county?—Yes, I have.

3766. Can you state any?—Yes; I know on the estate I mentioned some time ago there were some families driven out of possession before I went there, and I know there were notices and subsequently ejectments served upon 11 families after that; those persons, with the exception of one, were very industrious and paid their rents well.

3767. Were there any remonstrances made to the proprietor?—There were.

3768. Were they attended to?—There was only one attended to; that was an application for food when the tenantry were starving, and the proprietor wrote to me, saying he had ordered his agent to give relief; they were then in a state of starvation.

3769. Were there many turned out?—There were from eight to 11 families turned out.

3770. Were any others taken in in their place?—There were some taken in in the place of some of them, and the land of the others was annexed to a large farm belonging to a Mr. McCullough.

3771. Was there any distinction made between Catholics and Protestants in giving land in your parish?—Yes.

3772. On what estate?—On the estate of the Duke of Buckingham.

3773. Was this very marked?—It was.

3774. Was there any abatement of rent made to the tenants who took the land after the Catholic tenants had been ejected?—Yes; there was some land, about 80 acres, from 70 to 90, I think; I will not specify any particular number. The tenants that held it were in arrear; they owed a year's rent, and they got notice to quit, and they applied to their friends, and they found the means, by selling whatever they could make money of, and they offered to pay up the rent; and they proposed for the land, at a small advance of rent, for what they then held of it. I believe they kept the means partly in their hands, imagining that they would not get the land, but he let off; they were told by the agent that if they proposed 19s. or 19s. 6d. an acre, they would get the land; they said they could not pay it, and they were turned out of the land, and a friend of the agent got it under 13s.

3775. Was it on that estate that a combination existed among the tenants not to pay rent to the agent?—There did a combination exist not to pay rent to the agent.

3776. After that transaction?—It was after the application made to the proprietor.

3777. It was said that you had some influence in inducing them to come to that determination?—I will tell you about that. Upon going through the parish one day, one of the tenants asked me, "Will there be anything done for the people?" "I do not know; I have very little hope." "Well," said he, "we have come to a resolution not to pay any rent to the agent." "Take care what you do; that is a very decisive step; it is going to law with the landlord, and the agent, having the law on his side, will put you down." "Well, we will not pay it any more."

Rev. John Burke.

29 June 1832.

more to him, we will pay it to the law agent." "The law agent will not receive it, and the other agent will not give up his right." "We are all resolved upon it." "Well," said I, "if you resolve upon it, I do not know whether you are to act upon it or not; I will give you no advice; I would be rent-warmer to the Duke of Buckingham, or any other proprietor, but I tell you that this is a very dangerous step, and you have to blame yourselves for taking it."

3778. Their objection to pay rent was not so much in consequence of the heaviness of the rent, as in consequence of the decision of the agent?—They considered the agent had violated his contract.

3779. It did not arise from any objection to pay rent?—No.

3780. Did you consider your advice calculated to induce them to persevere in their resolution, or discourage them?—I thought it the best advice to give; because I knew if they gave it up for the moment they would not combine very soon afterwards, and it could do them no good; but if I positively opposed it, I might find that my influence upon that and other subjects might be very weak; and that was the reason I took the course at the time. I wished to let them know that I had no feeling of partiality to their landlord any more than any other man in the country.

3781. What was the result of that combination; did they refuse to pay the rent?—They refused it for some time; afterwards some went in and paid it, upon the condition of getting a promise of reduction, and this promise he violated afterwards.

Sabbati, 30^a die Junii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Hugh Boyd Wray, Esq., called in; and Examined.

*Hugh Boyd Wray,
Esq.*

30 June 1832.

3782. YOU are chief police officer?—Sub-Inspector and Paymaster of the Police Establishment of Queen's County.

3783. How many years have you been there?—In different situations, 11 years, with the peace-preservation establishment and the constabulary.

3784. Have the goodness to tell the Committee at what time the present Whitefoot association began in the Queen's County?—The latter end of 1827 we first perceived it; at that time they were designated Blackfoot and Whitefoot factions, and confined themselves to rioting at fairs and markets, waylaying each other upon every opportunity.

3785. It was in the beginning of the matter confined to their own disputes?—Yes, and for a considerable time afterwards, until early in 1829.

3786. What happened in that year?—It then appeared that the Whitefoot became the insurgents or Rockites of the country, and were bound by illegal oaths.

3787. Did they adopt then the Rockite system?—Yes, in 1829.

3788. Have they since acted upon it pretty closely in all their proceedings and outrages?—Yes. During the spring assizes of 1830 there were examples made of some persons who were convicted of Whiteboy offences, which had the effect of checking their practices for some months, until near the end of 1830.

3789. At the summer assizes of 1830, did not the grand jury recommend Government, in consequence of the improved state of the country, to diminish the police force?—They recommended the withdrawal of the resident magistrate, who had been appointed for the county some time before.

3790. Was the police force diminished?—Yes, 40 constables who were ordered into the Queen's County from Westmeath, were allowed to return to their original quarters.

3791. After 1830, when did the association show itself again in committing outrages?—In the spring of 1831 particularly.

3792. What happened then?—They went through the country attacking houses at night, and abusing all persons who dared to take land from whence others had been ejected; in fact, they carried the Rockite system into full effect.

3793. And that throughout the whole county?—Generally.

3794. Was that before the resistance took place in the county as to the payment of tithe?—Not so much before as afterwards; on the 10th of February

1831,

1831, there was a meeting of the county convened by the sheriff, not of the freeholders alone.

3795. What was the heading of the meeting?—I have marked it here, for discussing the merits of the legislative Union, and also considering the state of the poor: I know there was something of that kind stated at the meeting.

3796. What occurred at the meeting?—The question of tithes was agitated and spoken of by some of the speakers. It was at that meeting I understood first the determination of individuals to resist the payment of tithes.

3797. Before that, was this Whitefeet system generally established in the county?—Not anything like so much as afterwards.

3798. When did it come to its greatest height?—All through, from March 1831 up to the 6th of June of this year.

3799. What steps were taken by the Government or magistrates to check the progress of this association, before its revival in the spring of 1831?—The magistrates of the county met, and entered into resolutions of various kinds.

3800. What was the first meeting?—I am not prepared to give the Committee satisfactory information on that head, or the period; but I am aware they met frequently and entered into different resolutions, and applications were made to Government for augmentations of the constabulary and troops at different times.

3801. Did you, as inspector of the police, make regular communications to the Government of the state of the county?—Yes; regularly every month, through the inspector-general.

3802. Did you state to the Government it was necessary to increase the police force or the military force of the county?—To the inspector-general I did.

3803. In the spring of 1831, or when did you do it first?—I think it was rather later than the spring of 1831: I first began to recommend strongly that more force should be brought into the county of either police or military.

3804. Was your recommendation attended to?—The recommendation of the magistrates was always attended to, for augmenting the constabulary force and the troops.

3805. Was it after or before your recommendation that there was an increase of the police force?—I think my recommendation went nearly at the same time with the recommendation of the magistrates.

3806. How can you account for this association making so much progress, and establishing itself with so little interruption during that period, from the spring of 1831 to June 1832?—I attribute it first to the want of a sufficient number of constabulary or military before the system got head; and next to intimidation, so prevalent in the county amongst the honest and industrious portion of the community, which prevented that class coming forward to give aid to the constituted authorities in any way whatever.

3807. Was the whole effect to enforce the law, and the efforts of the police entirely defeated, during this long period, by the system of intimidation practised on the part of the Whitefeet?—I cannot say it was totally defeated; but it was defeated in a very great degree.

3808. You were acquainted, of course, with the outrages committed?—Yes.

3809. A great number of those outrages took place without your having any means of tracing the perpetrators and arresting them?—Yes, notwithstanding every exertion made by the police and the magistrates.

3810. What do you mean by exertion; were any particular means adopted?—Subscriptions were entered into by the magistrates and gentry, and offers of reward for information leading to detection and conviction of offenders, made quite public.

3811. Who had the management of the money so subscribed?—There was a committee formed who had the power of directing the disbursements of the fund.

3812. Was it done in communication with you?—I had the honour of being made treasurer in the first instance.

3813. You were a party to the distribution of this money?—Yes, decidedly.

3814. How much money was subscribed?—I am not prepared to say accurately; but I am confident there was between 200 £ and 300 £.

3815. Was it received?—Yes; I received most of the money.

3816. What is the present state of the county?—As contrasted with the three months before the 6th of June, it is a good deal better than it was; crime had decreased.

3817. Do you think the commission has produced a useful effect?—Yes, I do.

3818. Can

*Hugh Boyd Wray,
Esq.*

30 June 1832.

3818. Can you attribute this change to any other circumstance?—I cannot attribute it to any other circumstance than to the triumphant vindication of the laws at the commission; triumphant I call it, there being 39 persons brought to trial, and 38 convicted upon clear testimony, satisfactory, I presume, to every disinterested person who heard the several trials.

3819. Is it your opinion that this diminution will continue?—From the private information I have received lately, together with observing that no arms had been given in to the magistrates, or no appearance of the bad spirit which existed being at all subdued, I am apprehensive that the improvement, so much to be desired, is not permanent.

3820. Is it not usual for the county to become more quiet in similar cases at this time of the year, in consequence of more employment and lengthened days, and so on?—This time twelvemonth outrages were very numerous, although there appeared sufficient employment for the people; therefore I cannot say it is usual for the county to become more quiet at this season.

3821. What would you suggest as the proper course to be taken to put down this association completely?—I am of opinion that the final settlement of the title question would in a great degree tend to disperse the disturbers of the peace of Ireland, under which I am satisfied various acts of outrage have been committed; and that as I think poverty to a certain extent an ingredient in these disturbances, it would be well to make some provision for the aged and infirm; but what that provision should be or how to be managed, I do not feel competent to advise, further than I think it would defeat all the good intended, if for this purpose additional taxation should be imposed on the industrious land occupier. Together with these suggestions I would advise a continued, rigorous and impartial administration of the existing laws.

3822. Have you a sufficient police force in the county?—Yes, we have now.

3823. Is there anything in the laws to put down outrage that you think ought to be altered or added to?—I cannot feel myself authorized in saying that there is; I think the existing laws, enforced as they have been lately, sufficient.

3824. Are you a magistrate in the county?—Yes, I am. It was for the convenience of the public the Government thought fit to entrust me with the commission of the peace.

3825. You have alluded to a meeting in February 1831, which was to discuss certain subjects, and you stated that the question of title was mooted there; are you aware whether any resolution was proposed at that meeting against the payment of tithes, or otherwise affecting title property?—I am aware that one individual, the principal speaker, stated he would never pay tithes again, which met the approbation of the meeting, but that he would not break the law.

3826. That was only a speech of an individual, not a resolution come to by the meeting?—Precisely so.

3827. Would you have the goodness to inform the Committee, if you can do so, how the police force is distributed through the county, and under what authority and direction the distribution of the police force is generally made?—The authority for the allocation of the constabulary rests with the Government.

3828. In Dublin?—Yes.

3829. Do you mean to say a police force cannot be located in a particular village, or moved to another village, without instructions from the Castle at Dublin?—I mean to say that the power by law of allocating the police remains with the Government; but they have authorized invariably the inspector-general of the province, and in cases of necessity the sub-inspector, to meet the wishes of the magistrates in every instance possible.

3830. You are a magistrate and sub-inspector, could you not direct a number of police to be removed from one district to another in case you thought it necessary?—Feeling it would be sanctioned by the Government my doing so, I should upon an emergency remove them, reporting my having done so for the information of his Excellency the Lord Lieutenant, whose leave I should obtain, if time permitted, previous to their transfer.

3831. Supposing a case, I (Mr. Grattan) have a case in point: there is a place where no police force has been stationed for a length of time, near Stradally. I applied for a few police to be moved there, and to this moment none had been placed. I wish to know whether the not posting of any police in that particular district has been owing to the want of instructions to the local authorities from Dublin to do so?—No, decidedly not. You allude to Vicker's Town. The Government,

Government, upon the receipt of a letter from the agent of Mr. Grattan, Mr. Berwick, sent that letter directed to me, with orders to have a post established as soon as possible. In consequence of that I sent instantly an order to the chief constable at Stradbally to occupy that post. He proceeded to Vicker's Town, and could not procure any sort of accommodation for the detachment, in consequence of which I could not send them, but the men are at Stradbally, waiting for accommodation.

*High Boyd Wray,
Esq.*

30 June 1831.

3832. You are aware there were some men stationed at that post some years ago, in a house now in the hands of the same individual, which could be occupied as before?—I understood it cannot be had now.

3833. Can you state the number of police in the Queen's County?—Three hundred and thirty-six constabulary, and 60 of a peace-preservation establishment, with a chief magistrate.

3834. Into how many posts are they distributed?—For the constabulary establishment I can account.

3835. How many posts do the 336 occupy?—At this instant I cannot be accurate as to the number; I believe 35 posts. In consequence of the state of the country, and from information received, we were ordered not to place less than 8 or 10 men at each post.

3836. How many are there in the town of Stradbally at present?—Including the party intended for Vicker's Town, I should think 20.

3837. And a company of infantry?—No, 1 subaltern, and 25 rank and file.

3838. Could you recommend any alteration or improvement in the mode of distributing and changing with more rapidity the posts of the police as exigencies might call for them, in your district?—Feeling that the Government are always anxious to attend to the recommendation of the magistrates, I have had no hesitation in removing men myself according to circumstances; but I would not break up a post and remove to another without the order of Government.

3839. The magistrates at petty sessions, with your aid and consent, may direct the removal of a certain number of men?—They may recommend it, but they cannot direct; the allocation of the establishment, as I said before, rests with the Government.

3840. Could you inform the Committee of any meeting held, and any propositions made in June 1831, to form associations to assist your force in keeping the peace in the different townlands, and what was done at the meeting, and why those associations were not proceeded with?—I can merely say that such a meeting did take place, and such resolutions were entered into; but why the associations were not formed I am not prepared to inform the Committee.

3841. Were you one of the Committee?—No, I was not a magistrate at that time.

3842. Were not you a magistrate last year?—No, I was not.

3843. Under what circumstance did you happen to become a magistrate?—At the time the commissions of the peace were to be renewed, the next magistrate to Maryborough declined renewing his commission, being about to leave the country; the next magistrate then lived one mile and a half from the town, and though a highly respectable old gentleman, many years a magistrate, from ill health was unable to act; then no magistrate resided nearer than six miles; under these circumstances, the gentlemen pleased to appoint me a magistrate for the county.

3844. Did Captain Percival decline in consequence of the payment of the fees?—I believe not; he was about to leave the country.

3845. On receiving the commission of the peace, did you receive any instructions to hold yourself subordinate strictly to the local magistrates, or receive instructions different to those sent round to the military magistrates?—By no means to hold myself subordinate to; but my own feelings as a public officer would lead me to act as a junior.

3846. You considered yourself quite on a par in authority, except in point of standing?—Yes.

3847. You acted at petty sessions?—Yes, and frequently I was obliged to act by myself.

3848. You have stated there were about 35 posts in the county?—Yes.

3849. And you have a force of 336 police and 60 additional, and you have stated you thought it expedient to increase that force?—No, I have not.

3850. Would it be expedient?—I think the force sufficient, including the military and civil power at present in the county.

Hugh Boyd Wray,
Esq.

30 June 1832.

3851. Do you not think that 35 police stations and activity on the part of the tenantry, and an association such as was proposed 12 months ago, would be simply sufficient to keep the county quiet?—I have no doubt of this, if the respectable tenantry, or a portion of the tenantry and yeomen of the country, would act fearlessly with the constabulary establishment, without arms at all, but merely by their suggestions and information, I am satisfied that the force in the country is equal to keep the peace, but we have not met with that because intimidation was so established, the well-disposed were disinclined to give us any information or assistance.

3852. You do not think that any appearance of bad feeling or difference of opinion exists between the police and people of the country?—I think the honest and well-disposed people of the country look upon us as friends, but I cannot say that the other class do.

3853. Do you consider the well-disposed to be numerous?—Indeed I do.

3854. Would you think it an advisable thing for the parishes to meet, and a certain number of names to be selected and presented to the magistrates, and allow them to select those persons that they thought most proper, to keep the peace in each parish; should you recommend that system, to ensure a concurrence between all classes?—Making it through the magistracy, and not independent of them, I think it would be desirable.

3855. Do you think it would be efficient in concurrence with the constabulary?—I would not be sanguine in my expectation that it would be.

3856. On what ground?—I think, circumstanced as the farmers of the country are, they would be fearful and apprehensive of acting with the constituted authorities.

3857. If the parish were to meet and choose a certain number of people in whom they have confidence, and the magistrates were to select from that number, you could not apprehend any such consequences as you have described?—I think if the people would sincerely aid the magistracy and their executives by any means to suppress disturbances, it would be most desirable.

3858. You do not apprehend those meetings would be numerously attended by the farmers and others of the parish?—If the farmers were headed by the landlords of the country and persons of property, I think it might have a good effect, and the people would attend such meetings.

3859. In point of fact, is it your opinion that if the landed proprietor in fee, or his agent, were to call upon his tenantry, the respectable portion of his tenantry, to come forward and act as you describe, it would be not only more practical, but in fact it would be carried into effect much better and more efficiently than if called upon to act under a magistrate that has no connexion with them in the way of property; and that this landlord or agent selecting those men, or those special constables, would be a more efficient way than leaving it to the magistrates?—I should not advise any measure whatever that would enable a society of this nature to act independently of the magistrates of the county, and for this particular reason, my observation has led me to remark frequent exertions being used to wean the people from having confidence in the magistracy.

3860. Have those attempts been successful?—No; lately, however, it was spoken of by some few individuals to enrol an armed association for the purpose of keeping the peace, but who were to be completely independent of the magistracy.

3861. Then that implied a distrust in the magistrates?—I do not know of any grounds to warrant them in distrusting the magistracy of the Queen's County.

3862. You have stated as a fact that the distrust existed, for that they did not come forward?—Not upon the application of the magistrates. I am speaking of a subsequent proposal being made very recently, not by the magistrates.

3863. There has been a proposition recently made, to form those associations independently of the magistrates; do you disapprove of the associations so to be formed?—I do.

3864. Do you think that if the associations could be made independently of the magistrates, that it would be attended with the effect of preserving the permanent quiet of the country?—I am not of opinion that any association, formed independently of the magistrates, would have that effect.

3865. You think it necessary to assert the authority of the magistrates in the first instance, and to place armed associations under their care?—I am not favourable to placing armed associations of that character under them.

3866. Or

3866. Or unarmed?—Yes, if unarmed it might have a good effect.

3867. You would leave it to the magistrates to select those special constables?

—I would not wish to see any association in the county independent of the magistrates.

3868. You have alluded to the subscriptions raised for the payment of rewards?—Yes; for the discovery and punishment of crime.

3869. Could you inform the Committee how most of that money was expended?

—I disbursed a great portion of it; it was paid to various persons for the prosecution to conviction of offenders. I also paid rewards; for instance, a constable under my own command received 50*l.* from the gentry of the country, through me, for an act of gallantry in which he was severely wounded; and a man of the name of Brennan of Cloppook, who defended his house very spiritedly, received 50*l.*

3870. Do you not think if Government distributed money for this purpose through you, or a magistrate, it would be more efficient than the subscriptions of the gentry?—I think if the money is forthcoming to pay for their services it makes little difference.

3871. The legal expenses of the prosecutions are paid by Government?—Yes.

3872. Do you ever act alone at sessions?—I am often obliged to do it; in some cases a single magistrate cannot.

3873. It is from necessity that you are obliged to act at petty sessions by yourself alone, for want of the attendance of other magistrates?—Yes.

3874. Have you found latterly, that the petty sessions have not been attended so much as they were by the peasantry?—Not in my neighbourhood.

3875. How near is any magistrate to you?—By this time, I hope one resides within a mile of the town.

3876. Is there a scarcity of magistrates in the county?—Not generally.

3877. Is there an adequate number, speaking generally of the county?—There are many magistrates in some parts of the county, and few in others.

3878. You said within six miles of Maryborough no magistrate was to be found; that means a circle of 12 miles in diameter?—Yes.

3879. There was no efficient acting magistrate within a circle of 12 miles; does not that argue a great deficiency of magistrates?—Yes, had it remained so.

3880. Has it been altered?—Yes.

3881. To what extent?—I have been made a magistrate.

3882. Have any gentlemen of the county been made magistrates in that time except Captain Percival?—Major Cassin is still a magistrate.

3883. Are the Committee to understand that that part of the county still remains, a circle of 12 miles diameter, without a sufficient magistracy of the gentlemen of the county?—No, because Mr. O'Reilly has come back to his residence, situated within three miles of Maryborough.

3884. Is there any other?—Captain Percival, I hope by this time is.

3885. Do you not think two magistrates within a circle of 12 miles in diameter is rather few?—There are four, if you include all the magistrates of the neighbourhood.

3886. The question refers to efficient magistrates; do you not think that two efficient magistrates of the county is a scanty number within 12 miles?—It is scanty.

3887. Is it too scanty?—It would be better if there were more.

3888. It has been stated by the magistrates of Queen's County, who forwarded the petition from which this Committee emanated, that they were in disrepute with the county, and that the people were advised by influential persons not to attend the petty sessions, but to go before the priests and others, to have their usual matters of dispute settled; are you aware that that is the case?—Not of my own knowledge; I have heard it by rumour, and I endeavoured to trace it, but did not succeed.

3889. You are aware there is a petition presented recommending the introduction of the Insurrection Act as a panacea for the evils of the country, and the measure most prayed for by the respectable people of the Queen's County, do you not think that a petition to that effect, signed by gentlemen of the county, is a ground for making people have less confidence in the magistrates than they otherwise would have?—I think there are not grounds, and for these reasons, that it was generally understood the magistrates only prayed that the provisions of

Hugh Boyd Wray,
Esq.
30 Jan. 1831.

the Insurrection Act should be placed in the hands of the government of Ireland, so as to enable his Excellency the Lord Lieutenant to extend it to such parts of the country as should require it. And furthermore, as the magistracy were anxious to be relieved from being judges under the Act, as was the case before.

3890. You mean a modified system of the Insurrection Act?—Yes, that is what I understood them to wish.

3891. What do you mean by modified Insurrection Act?—I do not understand what they meant by it; all I take upon myself to say is, that no grounds exist why the magistrates should be obnoxious to the people for having applied for the Insurrection Act.

3892. Was that stated in the petition?—I am not aware that it was or was not, as I have not read it.

3893. Do you not think many of those disturbances arose from people being out of their houses at night, and no means of checking their absence existing in the present state of the law?—I think it would be much better if the people could be kept in their houses.

3894. Do you not think that if the association of the people we have been speaking of were organized, and they made it their practice to call round at the different houses in the parish, merely to examine whether they were at home or not, not to use coercive measures, do you not think the effect of that would be to check as much as possible the absence of which you have complained of?—As I said before, if by the direction of the magistrates and sanction of the law.

3895. Would not the power of making domiciliary visits at night be a very coercive measure?—It would be something of the power of the Insurrection Act, I presume.

3896. Are you of opinion, upon the whole, that the measure now suggested would have a tendency to increase or decrease the discontent of the country, supposing houses were inspected at night?—I do not think the people would like it.

3897. Do not the police patrol at night?—Yes.

3898. Cannot they knock at the door and inquire if such and such a person is at home?—We do very frequently, but still they are aware of the authority of the constable; in some instances they will neither answer him nor open the door if he has not a warrant.

3899. Do you believe, in the present state of Ireland, there are materials to be found to form an association, to which you would think it wise to entrust the power to pay those domiciliary visits?—I should be sorry to entrust it to any uncontrolled body.

3900. If chosen in concurrence with the parish, do you think there would be the objection that at present exists?—Not on the part of the well-disposed, but unfortunately the ill-disposed are not a very small portion.

3901. The Committee have not heard any definite proposal by you as a remedy for the existing evil, except the settlement of the tithe question?—That is all I have expressed, together with some sort of provision for the aged and infirm.

3902. Do you think it would be a beneficial settlement of the tithe question to make the Composition Act permanent and compulsory upon the whole country, in the present state of the public mind?—It is merely matter of opinion; the only answer I can give on this subject is, that I think under any circumstances the difficulty will be almost insurmountable in the recovery of tithe; but had the Composition Act been some time past made compulsory, I think the difficulty would not have been so great.

3903. Do you think it would tend to promote satisfaction among the upper classes of the people of the country, speaking of the landlords, if the payment of tithe was imposed upon them, with a view of relieving the lower orders of the people?—I can imagine that the people might be better pleased at it.

3904. The question refers to the better classes; would the people upon whom the tithe was thrown, the landowners, be more or less satisfied in consequence of that arrangement?—I should be inclined to think that the landlords would not wish to have it put upon them.

3905. Then making the tithes compulsory and permanent would dissatisfy one class, the lower class, and throwing them upon the landlord would dissatisfy the upper class?—This is my opinion certainly.

3906. What do you think would satisfy either party, or both?—I think the extinction of tithes altogether would satisfy the lower orders, and I think the establishment

establishment of a general compulsory composition would have the effect of satisfying the upper orders.

3907. By the words "extinction of tithes," what do you think the people in Ireland understand?—Never to pay any more; and I believe it to be both their belief that no more will be demanded, and their determination not to pay it if they can avoid it.

3908. Do you consider that the impression of the lower orders is that the total fund arising from the imposition of tithe, supposing it levied in another manner, is to be lost either to the Church or the State?—I think, from the present disposition of the people, they are determined to resist everything in the way of tithe or church property of all kinds.

3909. Is it your opinion that they will persevere in that resistance, from what you know of their present temperament?—I think, so long as they may be advised to do it by those persons to whom they look for advice, they will.

3910. Who are those persons?—In the Queen's County the numbers are few, as well as I can learn.

3911. Of what description?—The middling class.

3912. If they were advised to pay it, do you think they would?—Yes; if those persons did who advise them not to pay now, I think they would.

3913. What are those people?—The middle class of respectable farmers and traders.

3914. Is it your opinion that a considerable number in the Queen's County would be glad to pay their tithe if they were not under a certain degree of intimidation?—I do believe that most of the well-disposed people would pay their tithe freely if it was not for the system of intimidation so prevalent.

3915. How long were you in the police in the Queen's County?—Eleven years.

3916. What number of officers are there in the police in that county?—Five at present; six up to a few days past; one died.

3917. Do you know of what religious persuasions those five are?—I do.

3918. How many of them are Roman-catholics?—None.

3919. During your time in the Queen's County, have there been any of those Bible meetings and public discussions by persons itinerating through Ireland?—Yes.

3920. More than one?—Yes.

3921. Several?—Yes.

3922. Strangers who had nothing to do with the county came there and spoke at those meetings?—Persons not inhabitants of the county, and some inhabitants.

3923. Did you feel it your duty publicly, or as a private gentleman, to attend those meetings?—No, I did not; I felt it my duty to keep away from meetings of all kinds, except called upon as a public officer.

3924. Those meetings were not likely to require your attendance?—In one case it did require my attendance to remove some noisy drunken people.

3925. To protect the people meeting?—Yes.

3926. From popular anger?—From insulting demeanour.

3927. And insulting conduct?—Yes; I would prevent it if I could.

3928. Was it necessary to prevent them being attacked by the people?—No, not attacked; but I was obliged to protect them from noise and insult.

3929. In that county have you any information whether there were any Orange lodges in that county?—At Mount Mellick formerly I believe there were, not latterly.

3930. At Mountrath there were?—I am not aware of it.

3931. Have you been long enough in the county to see Mountrath ornamented with Orange decorations?—No.

3932. Were any Brunswick clubs formed in that county?—I understand there were.

3933. Are there any clubs of agitators there now?—Am I to understand persons who agitate public questions?

3934. Yes.—There are; but they have not held meetings lately.

3935. Has there not been another association formed, holding in check the grand jury of the county?—Yes, there has; but I do not look upon that society as political, but merely to check the expenditure of the public money.

3936. Are there any other societies of that agitating description in the Queen's County?—No, not that I am aware of; there have been no meetings of that character held lately.

Hugh Boyd Wray,
Esq.
30 June 1832.

Hugh Boyd Wray,
Esq.
30 June 1835.

3937. Do you call the Traversing Society an agitating society?—No, I do not;
3938. You do not adopt the word of the question?—The reason why I do not is, that I know some of the gentlemen of the county are glad to see persons come forward to question about roads, &c.

3939. The object of that society was merely to traverse presentments that they thought improper, and have them tried by a judge and jury?—I believe so.

3940. Do you know of the existence or continuance of any other agitating societies in that 11 years, holding stated meetings by adjournment?—No; I know there were very many public meetings convened from time to time, connected with political questions, such as reform, and the repeal of the Union, and all those kind of things.

3941. And the abolition of tithes?—Yes.

3942. Were there any meetings in Queen's County for the abolition of tithes?—Yes, I believe there were; but I did not attend them.

3943. Was it lately?—Yes; so I understood.

3944. Can you tell how many Roman-catholic magistrates there may be in the Queen's County?—I do not know of any.

3945. Do you know that there is a single one?—I do not know one.

3946. How many Roman-catholics are there on the grand jury?—There is only one, I believe.

3947. Are you aware of the proportion of property in the Queen's County, between the Protestants and the Roman-catholics?—We have no Roman-catholics of estate, to my knowledge, in the Queen's County, excepting Mr. Wise.

3948. In that case do you think it would have been very easy for the Government to appoint Roman-catholics magistrates, when there were not Roman-catholics of property in the county?—I think it would be very difficult.

3949. The same answer will apply to their not being upon the grand jury?—Yes, I should think so, if landed property be the criterion.

3950. It has been stated in evidence before the Committee, that at the spring assizes last at Maryborough, you took a part in assisting the Crown solicitor in arranging the juries; is that the case?—Yes, so far as this; I felt it my duty to give every aid to the Crown that I could, without in the slightest degree lending myself to anything more than wishing to obtain intelligent jurors, who were free from intimidation.

3951. It was stated you had stood by the side of the Crown solicitor, and pointed out to him the jurors to be set by, and under your information or directions he acted?—Yes, he used my suggestions, which arose from local knowledge of the country, at his own discretion.

3952. The jury was formed under those suggestions you gave?—He attended to those suggestions.

3953. In point of fact, you did assist the Crown solicitor in his challenges?—By mere suggestion.

3954. Could you do it otherwise; was there any way in which you could assist him, except by suggesting, "that is a bad juror for the Crown"?—I generally gave reasons.

3955. You generally suggested to put him on or throw him aside?—Yes, according as I thought them likely to labour under, or be free from intimidation.

3956. In point of fact, you did so?—Yes.

3957. Had you any interference in making up the panel before the assizes?—No, never; I merely assisted as before stated, at the moment of the assizes.

3958. You said there were no Roman-catholics, in your opinion, qualified in point of property to be magistrates in the county?—I said so with reference to landed property.

3959. Do you mean to say, in point of intelligence and property, there are no Roman-catholics in the Queen's County fit to be magistrates?—In point of intelligence there certainly may be; there are some very sensible men amongst that class.

3960. Are you aware of some Protestant magistrates that are gentlemen of very small property?—Yes.

3961. Are you aware of some that have scarcely any property?—No, I am not.

3962. You were tried at Kilkenny and acquitted, since you got into the police?—Yes; in the year 1822, when employed under the Peace Preservation Act.

3963. What were you charged with?—I was sent in charge with the police to a fair, and left them for a few yards; they were attacked and I myself knocked down, and three persons were brought forward subsequently to swear that I shot

an individual there: I had no arms whatever, and the result of the trial was my acquittal, and the judge ordered the three prosecutors into the dock, to stand their trial for perjury.

3964. You have not yet stated what you were tried for?—I was tried for an affray between the police under my command and the people, in which a life was lost on part of the latter.

3965. How many people were killed by the police, in their own defence or otherwise?—One.

3966. How many manslaughters have you known since you have been in the police, in affrays with the police; have you known any in the Queen's County?—There was one in the Queen's County, for which there were five men transported.

3967. Five policemen?—Yes, it was at the formation of the establishment in 1823.

3968. Tried by Judge More?—Yes.

3969. Have you in the Queen's County police officers or privates, that you know are Orangemen?—No; and I should consider any man showing a political prejudice, quite unsuited to act as a policeman.

3970. What proportion do the Roman-catholic privates bear to the Protestant privates in Queen's County?—I should think better than one-third.

3971. And two-thirds Protestants?—There are more than one-third of Catholics.

3972. Have you any document, or could you furnish the Committee with accurate information upon the subject as to the precise number?—No, I cannot.

3973. Nor in London?—No.

3974. Has there not recently been made a considerable addition to the constabulary of the Queen's County, from the north of Ireland?—Sixty men.

3975. Quite unconnected with the Queen's County?—Yes.

3976. Were they brought from the north?—Yes.

3977. Having stated at the last assizes you took a part in making suggestions as to the jurors, you are acquainted with the manner in which petty juries are formed in Ireland; do you imagine that the manner in which they are formed is such as to inspire confidence in the people in the administration of justice?—I am not aware of any cause for a contrary feeling.

3978. Is there a contrary feeling?—Nor am I aware that there is; I have heard reports, but I am disposed to think that the people do not feel so.

3979. Do you believe that a police officer invested with the commission of the peace, known to be, in a great measure, the prosecutor, that the circumstance of his making suggestions on the formation of the jury, is calculated to increase confidence on the part of the people?—I would beg to remark, that I did not give any suggestion whatever since I was entrusted with the commission of the peace, but when I gave the suggestions I was a mere chief constable.

3980. It was since you gave the suggestions you got the commission?—Yes.

3981. Who was the Crown solicitor?—Mr. Gale.

3982. Acting for Mr. Kemmis?—No; he is, I understand, Crown solicitor for the Home Circuit.

3983. Was not it on account of the disturbed state of the Queen's County, that the magistrates did not wish to select from the persons of the county for the police?—Yes, it was, the last Go.

3984. It was Sir John Harvey who sent them there?—Yes; he made application to the Government for these men.

3985. Were there any Catholics on the petty jury at the special commission?—I think there were, but I am not positive how many; I think there were some. There are many Catholics in the county I look upon to be as good jurors as any in the county.

3986. Are you aware there were but three upon the jury, one sick, one absent, and only one present?—No, I am not.

3987. Are you aware the panel was not so indiscriminate in point of religion at the commission, as at the assizes generally?—No, I do not know anything of it.

3988. You said 60 men were brought from the north; were those all Protestants?—No.

3989. How many Catholics were in the 60?—I cannot be accurate in the number; I am sure there were eight or ten.

3990. Were your suggestions grounded on the knowledge of the parties, acquired in your official situation?—They were grounded upon that, and also upon

*Hugh Boyd Wray,
Esq.*

30 June 1832.

High Eyed Wry,
Esq.
30 June 1832.

the fact that several respectable farmers, both Protestants and Catholics, asked me to use my influence to have them left off the juries.

3993. What induced them to make that request to you?—I could not apply it to anything else but fear for their lives and property.

3992. Were you influenced in giving those suggestions by any religious considerations?—Most assuredly not.

3993. You say that the Whitefeet and Blackfeet were originally two fighting factions?—Yes.

3994. They had no religious character?—Not in 1827, that we knew of.

3995. What were the particular causes or events that first gave them the character, that first induced them to meddle in it?—I am not prepared to answer that question.

3996. They are now, it appears, engaged in other undertakings, they oppose tithes, and are combined together for the purpose of intimidation and disturbance. What were the particular causes that induced them to engage in those undertakings; at first they were obviously differently employed?—In 1828 we first received information of their having been sworn and oaths administered.

3997. Are you acquainted with the nature of the oath?—I have a copy of it, which was given me by an approver.

3998. Will you produce it?

[*The Witness produced the following Paper, which was read:*]

" Ribbon oath, as given me by approver, J. ——— Re, 10th Jan. 1832.

" HERE, in the presence of God, and sign of the Cross, I certify and swear on oath, at the hazard of my life, to be true to all orders and regulations made under the Duke of Ostridge and his committee.

"* Here follow the regulations, which are also sworn to.

" No 1. To be true to the Ribbon Acts.

" 2. Never make a Ribbonman without the consent of seven, and presence of three brothers.

" 3. Never let bishop, priest, or deacon, know, but in good confession, the man that made you.

" 4. Never spare, but persevere and wade knee-deep in Orange blood.

" 5. Never have carnal knowledge of a brother's wife, sister, or first cousin.

" 6. Never have a shilling, but you'll give half to a brother to save him from death or transportation.

" 7. To be ready at 24 hours notice to walk from one to 10 miles, or ride from 10 to 20 miles when called upon by a brother.

" 8. To give money when called upon to purchase arms and ammunition.

" 9. Never strike a brother, and know him to be one.

" 10. Not known.

" 11. Never make a man without sanction of the men who made you.

" 12. Bear to have your right arm or left cut off from your body, and nailed to the goal door of Armagh, before you waylay, betray, or give evidence against a brother.

" 13. Never aid nor harbour a robber in company, and know him to be one.

" 14. Pass-word, 'What does the three L. L. L. stand for?' Answer, 'Louth, Longford, and Limerick.'

" N.B.—In a former oath had from a private informant, the Ribbonman swore not to serve His Majesty unless compelled by hardship; and that when the day comes, to fight, and wade knee-deep in oppressor's blood, and that neither the groans of men nor the moans of women shall daunt him, for the ingratitude shown to his brothers of the Catholic church.

" And furthermore, a man acting contrary to his oath, to be put an end to as soon as possible."

3999. Was it a male or female who gave you that?—A male.

4000. Was the person from whom you received it once a Ribbonman?—Yes; he stated to me he had taken the oath.

4001. Do you believe it is generally taken?—I believe an illegal oath is very general.

4002. And that is the bond of their association?—I can only say this was the copy of the oath taken from that approver.

4003. Do you believe they are generally sworn?—Yes.

4004. And

4004. And that the oath they take regulates their conduct with each other?—*Hugh Boyd Wray, Esq.*

Yes.
4005. That is the bond of their association?—Yes.

4006. And that they are pledged to the fulfilment of the object specified in the oath?—Yes. 30 June 1832.

4007. Has anybody been indicted for administering that oath?—Not that oath, to my knowledge.

4008. You have referred to a meeting held in the Queen's County to discuss the merits of the legislative Union; did any immediate effect appear to result from that meeting, and the discussions at that meeting?—From some of the speeches made there, there did; there was a manifest determination to the non-payment of tithes.

4009. The question of tithes was discussed?—Yes; but no resolution.

4010. And the effect of this upon the country was an excitement, and general determination not to pay tithes?—Yes.

4011. So that the meeting was intimately connected with a determination to resist tithes?—Yes; resistance by the evasion of the law.

4012. Passive resistance?—Yes; at Mountrath on the 9th, 10th, and 12th of March was the first attempt at a tithes sale.

4013. You have stated that the country is now in a better condition than it was some time ago, but that the spirit was only suppressed, and not subdued?—I stated that the country, compared with the two or three months previous to the 6th of June, was improved, and I was asked whether it was likely to continue so; I say that the spirit does not appear to me to be subdued; there has been no giving up of arms, to induce me to think so, and private information leads me to apprehend that the quiet of the country is not as secure as we might wish.

4014. Is your private information generally such as you can depend upon?—I cannot say that it is generally such as I do depend upon.

4015. But it is generally a clue to better information?—Yes; whenever we can have it corroborated from another quarter we can better believe the fact.

4016. Many jurors asked you to challenge them?—To use my influence to have them kept off the jury.

4017. Did you suggest to the Crown solicitor that as the only reason to have a man left out?—Yes.

4018. Has any indictment been found upon either of the oaths you have produced?—Indictments for administering illegal oaths have been found, but not for this oath.

4019. Have there been any convictions?—Yes.

4020. So that the oaths which have been judicially proved appear upon the record in the indictment?—I suppose so; it is generally the plan when a person's house is attacked, to put a book into his hand and swear him to give up his land or give up his arms; for such illegal acts I have known persons to be convicted.

4021. You are aware, in point of law, a man administering an oath not usually taken by the King's subjects, is an offence under the Whiteboy Act, whatever it is?—I am.

4022. The Whitefeet and Blackfeet were originally fighting factions?—Yes, as I understood.

4023. Have they amalgamated by reason of this illegal confederacy of oaths, or do they continue in hostility still?—Partially they continue in hostility, but generally amalgamated.

4024. Have you been in the habit, or is it the practice in the Queen's County to make use of spies?—Never to my knowledge.

4025. Then when a man gives you information you never let him go among the Whitefeet again to collect more?—No; if we did so it is most likely we should be betrayed by him.

4026. You never in the Queen's County have at all kept in your employment persons in the habit of giving you information?—I never did.

4027. Have you known any instances of that kind?—No, not to my knowledge.

4028. You know it is a system followed elsewhere?—I have heard of it; the question, I presume, does not allude to approvers.

4029. The distinction is this: a man that comes in as an informer you are not only bound to receive, but glad to get; but having once become an informer, there are two kinds of spies, one sent out before he becomes an informer, and an informer directed to continue to furnish further information; have you employed in

Hugh Boyd Wray,
Esq.
30 June 1832.

the Queen's County spies of that description?—I have not; nor am I aware that anybody else has.

4030. You stated there were no Catholics in the Queen's County, resident or otherwise, qualified to be magistrates?—As related to landed property, except Mr. Wise.

4031. Are there any other persons, Catholics, in the county, you would think as much qualified as some of those already in the commission?—I am not as well acquainted with the property of the Roman-catholics as the other gentry. I do not know any magistrate in the Queen's County who has not a property of at least 300 l. a year; nor do I know of any magistrate in that county being engaged in public business or trade.

4032. Do you recollect who are the magistrates of Mountrath?—Yes, I do.

4033. Have those gentlemen that property?—I think they have.

4034. With regard to the oaths, you have stated judicial notice had been taken of oaths in the county; were those oaths that have been so brought before judicial tribunals oaths that were administered under a system of terror to the persons so taking them?—Yes.

4035. This oath you have given in as the oath and bond among the Whitefees, is an oath voluntarily taken by persons becoming members of that illegal association?—Yes.

4036. Did the informer inform you who it was administered that oath to him?—Yes; but without other testimony to prosecute upon we could not charge him.

4037. Do you mean to say that no person has been indicted for administering the combination oath to be a colleague or brother?—There have been some prosecutions; but I am not prepared to say whether there were convictions or not upon the oaths of approvers.

4038. Whether there was an acquittal or not appears upon the indictment?—Yes.

Matthew Singleton, Esq., called in; and Examined.

Matthew Singleton,
Esq.

4039. YOU are chief magistrate of police;—Yes.

4040. For what district?—The Colliery District, in the Queen's County.

4041. How long have you been there?—Since last April.

4042. Describe the state of the Queen's County when you were first appointed. —It was very much disturbed indeed, and no security for life or property.

4043. It is a very populous district?—None more so in Ireland.

4044. Is it the same description of disturbance that there is in other parts of Queen's County?—I am inclined to think that it is.

4045. And the outrages are of the same character, and with the same objects?—Yes, both there and in the county of Galway.

4046. Do you find that they resemble the outrages in other parts of Ireland?—Yes, quite so.

4047. Have the outrages subsided in any degree since the commission?—Completely so. Since the last commission at Maryborough only one outrage was committed, for which I have six persons now committed to the county gaol for their trial at the assizes.

4048. Do you feel confident that that changed state of things is likely to continue?—I should think it will, if the present police force is continued in the district.

4049. Have they given up any arms?—None that I have heard of.

4050. Do you think they have possession of any arms?—Yes, numerous stands of the worst description; blunderbusses of a most destructive and formidable kind.

4051. Are those arms independent of the arms taken from persons residing in the country?—I presume those have been taken from respectable houses in the country.

4052. Were you in the county of Clare?—No.

4053. You were in Kerry?—Yes, for three years and a half.

4054. You were there during the Whiteboy disturbances?—There were none there at that time. I went there in 1828; here is a report I received the day before I left my quarters, which is very satisfactory:—"Statt Police Office, June 21, 1832. (This is one of the worst districts in the county.) Sir, I have to inform the chief magistrate of Colliery Districts, that this part of the country, placed under his superintendence, is to all appearance getting tranquil, and persons of bad character who have strolled about idle for some months back, are now returning

returning to habits of industry. I have the honour to be, Sir, your obedient servant, *Benjamin Betts, Constable.*

4055. Have you anything yourself to state to the Committee to give them further information respecting the district of country under your superintendence?

—There are a great number of fire-arms in the country, and I think it very desirable if the Arms Act was amended, authorizing a conviction to take place on the oath of one credible witness; at present it requires two witnesses; and if a magistrate goes out with the police or military, and takes or finds a stand of arms, a conviction cannot be obtained on his single testimony.

4056. You have said that district was very populous; do you happen to know there was a great deal of distress in it?—Some persons were distressed, but taking the whole of the population into consideration they were not, for the colliers earn from 15 s. to 20 s. a week.

4057. Are most of them in employment at those wages?—Yes; the principal cause of the disturbance there was relative to ground.

4058. Clearing the grounds and turning the tenants off?—Just so.

4059. In that district?—Part in that district.

4060. Could you trace the disturbances in the county of Galway to that?—Yes, and to high rent and low wages.

4061. And dear con-acres?—Certainly.

4062. Those low wages do not apply to the Colliery District?—No, not to those engaged in colliery pursuits.

4063. In the county of Kerry you found the police a very efficient force?—I did.

4064. Very correct men, and scarcely a complaint of them?—I say, that I improved it when I went there, and not with any egotism to myself, I left it in a better state of discipline.

4065. There is no animosity between the police and the country people in Kerry?—Not so much as in other districts.

4066. The proportion of Catholics is very great in that police?—Yes, and I account for that because the county of Kerry is a Catholic county.

4067. And about three-fourths are Catholics in that police?—I know they bear a very large proportion.

4068. Did you ever find them refuse to perform duty?—I have always found them very attentive to their duty, and I have no hesitation in saying the Queen's County police are very efficient and respectable men.

4069. You are aware in the county of Kerry, many magistrates are Catholics?—Yes.

4070. Are they very attentive and efficient magistrates?—Indeed they are very attentive; but very fortunately they happen not to be engaged in the suppression of the disturbances of the country.

4071. You were not there during the Whiteboyism in Kerry?—No; I went there in January 1828.

4072. The county was quiet?—Yes; and during my residence of three years and a half, I did not see even a riot in it.

4073. And has been since?—Yes; the spirit that was in the county of Clare last year was gaining ground along the river till I had posts of the police stationed along the river, and some sloops of war came up the river to prevent improper intercourse.

4074. The neighbourhood of Tarbert was the only place where there was any disturbance in the county?—Yes; and that originated from its being near Clare and Limerick.

4075. Were many of the persons tried at the commission committed by you?—I committed upwards of 30 persons; all that we tried were found guilty, and the others are remaining for trial at the next assizes.

4076. How many executions were there at the last special commission?—There were six prisoners left for execution to-day, and on this day week no respite had arrived for any of them.

4077. Was it you that committed the persons charged with the attack upon Mr. Jacob's house?—Yes, it was.

4078. Were you present at the trial on that occasion?—I was.

4079. Are you aware that the Whitefeet are bound together by an oath?—Positive, as far as a man can be convinced.

4080. Have you ever seen, or have you any reason to know what the terms of that

Matthew Singleton,
Esq.

30 June 1835.

that oath are?—I think the oath in many cases varies; I think they are bound together according to the circumstances of the cases.

4081. Are you aware of any portion of that oath binding the parties taking that oath to the destruction of the members of the Established Church?—I have heard it.

4082. Do you believe that they are so bound?—In many instances great hostility has been shown towards those professing the Protestant faith.

4083. Are the Committee to understand by that, that you do or do not believe that the Whitefeet as a body are bound by oath in hostility to the Established Church?—I should think that they are, and I will cite an instance within these last three or four weeks: the Protestant clergyman that is officiating in the parish of Mayo was obliged to get protection from me to go from his parish church to a military party stationed at Dunane, to read divine service to the soldiers; he made application to me at Maryborough commission for assistance, and I told him he should have all in my power.

4084. Has your opinion upon that subject been strengthened by any evidence you heard given at the late trials at the special commission at Maryborough?—There was a Crown witness examined on the part of the prosecution relative to the attack on Mr. Jacob's house, and there were facts elicited on the cross-examination that I should wish not to be pressed to state, as I am a police and public magistrate; I should wish not to be pressed to answer those questions.

4085. Are you aware that the Whitefeet have a treasurer and a fund?—Yes, I am; and I believe they have forcibly levied money for the defence of the different prisoners that were tried at the special commission.

4086. Are you aware who the person is that is the treasurer?—I heard the name of a certain person who came from the town of Carlow, and attended during the commission, and the report alleged that he was the treasurer, and that he paid a large sum of money for the prisoners' defence.

4087. Do you believe that to be true?—I do.

4088. By throwing yourself on the Committee, you do not wish to be examined upon matters relating to that point?—I should wish not.

4089. How many witnesses were examined for the Crown, for the attack on Mr. Jacob's house?—Five, including the surgeon.

4090. Was that a case of murder?—No, a case of stabbing.

4091. Have you reason to know, or can you state from your knowledge, whether any of the prosecutors on the late commission were Roman-catholics?—I am sure I may say six-sevenths of the witnesses on the part of the Crown that I was engaged with, were Protestants, and I could give their names.

4092. Were those who were not Protestants, approvers?—I had not an approver.

4093. How many did attend altogether?—On the prosecution for the attack on Mr. Jacob's house, Mr. Jacob, his sister, and her son and daughter, were examined; four Protestants. The case of the shooting of Mr. Bayley, there were his two sons and a servant boy, three Protestants, and another servant a Catholic. The case of the attack on Mr. Large's house, the prosecutors were Mr. Large himself, his mother, wife, brother, and his servant maid, who were Protestants, and another servant, a Catholic. The case of Mr. Sherlock was prosecuted by himself, save the police; he is a Protestant.

4094. You mean he was the only witness?—Yes, excepting the police; but the outrage I alluded to awhile ago, where I said I had six prisoners committed for it, the information was lodged by a Catholic, and I should beg to explain under what circumstances I got that information.

4095. You speak now of the information given since the commission?—Yes; to show the great intimidation that is existing in the country, I think it but justice to the man's character to explain it. A man of the name of Nolan, who I am informed is in the possession of land, and has property to the amount of nearly 300 *l.* a year, his house was attacked on the night of the 12th of this month.

4096. Was he a Protestant or Catholic?—A Catholic; it was broken into, and when they entered it they commenced beating him most violently, and when his wife came to his assistance they also struck her severely, and they were continuing with savage fury upon them till one of the party who was outside the house cried "No. 25," the announcement of which caused the whole of the party to retreat. Mr. Nolan went to a county magistrate and related the whole of the transaction, and stated to him that he did not know the persons of any of the

the party. I received information of the outrage through the police. I summoned him to appear before me at Ballylinc; when he came before me, his first word was, "Sit, I do not know the persons of the party." I told him, under the disturbed state of the country, I would not ask him to give me information against any individual, unless I bound myself to place a party of police in his house for his family's protection. I asked him if he had any objection to give me an information of the facts; he said he had not. I took his oath to that information, and also swore him to answer me such questions as I should put to him concerning the outrage, and the persons who committed it; and when I asked him if he knew any of the persons, he refused to give me any answer: he said if he gave me that information his life would not be safe for 24 hours. I told him I would send a party of the police to his house for his protection; he said, "That may do for the present, but I should after forfeit my property." And when I found that had no effect upon him, I told him the law would authorize me, and as a police magistrate, I should commit him to the county gaol until he would answer the question. He said, "Commit me if you please; while I will be inside the walls of Maryborough gaol, my person will be free from assassination." Under those circumstances I did not ask him further, but I felt it my duty to commit him to Stradbally gaol for further examination; he was in gaol for 48 hours, and at the expiration of which he was then satisfied to make the information. He did do so, and he swore against 10 men of the party, in consequence of which I was obliged to place a party of police in his house for the protection of himself and family.

4097. Has his house been attacked since, or any demonstration of it?—No, not since.

4098. You were asked as to the number of prosecutors professing the Protestant religion; have you or have you not found it necessary to protect the lives of those persons since they appeared as prosecutors?—Undoubtedly; and my own life is not secure an hour, for discharging my duty as a public magistrate.

4099. You have said, that the apparent tranquillity of the country was likely to continue, as long as the increased police force remains?—Just so.

4100. Are the Committee to understand, that you consider that the spirit of outrage has not been got under?—It has not.

4101. Can you give any hint to the Committee, as to what you consider likely to accomplish that desirable object?—I think if the laws were amended in one, two or three instances, which I will suggest, it would tend to the security of the public peace; there is scarcely an outrage committed relative to lands, but what the people assign a cause for, if I may use that expression; in some instances the unfortunate people do show one.

4102. What are the Committee to understand by showing a cause?—Oppression, high rent, low wages, and contracts being broken. I had two prisoners before me, one of whom was a boy, a few days before I came here; they were apprehended on a warrant, to give bail and keep the peace, and they told me a story, which, if true, I think is very severe: they told me that their forefathers (that was the expression they made use of) were in possession of a certain small plot of land; that they had a lease not expired; that they sent up a half year's rent to Dublin to the landlord; it would not be taken; when they returned it was spent; by that time the second gale came round, and they were not able to pay the rent; and then they were permitted to give up the lands, on condition not to pay the rent due.

4103. That is to say, they were not called upon to pay the arrear?—They were not called upon to pay the rent due, on the proviso of surrendering the lands.

4104. Do you give credence to all the oppressions stated?—In many cases I do give credence. I have seen, and I know land to be set one-third above its value; and I have seen, at least I have heard and believe, that small cottagers who had land without a lease, before the assimilation of the currency, are now called upon to pay the same rent in British currency.

4105. Amongst those persons called Whitefeet, are there any respectable farmers, or are they confined exclusively to the lower classes?—There is a man now under sentence of death in Maryborough gaol, who is one of the most respectable class of farmers; he is of the name of James Dowling, and he was the next-door neighbour to Mr. Jacob, whose house was attacked, and I have found many of that class equally connected with the disturbances in the county of Galway.

Matthew Singleton,
Esq.

30 June 1837.

4106. Do you consider that many of that class have joined this illegal association from oppression?—Certainly not, of that class; at the same time I must say, and I firmly believe, that there are many persons forced into the disturbance of the country from intimidation.

4107. The greater part of the property is the neighbourhood where you are stationed, is absentee property?—I am led to believe so.

4108. Have you known of any meetings got up in the Queen's County by what are called agitators?—I have not; I am only a short time in the county.

4109. You of course never attend any such public meetings?—Not in the Queen's County; I have elsewhere.

4110. Was it in Galway?—I attended some in Kerry; I cannot say I attended a public meeting in the county of Galway.

4111. Have you never heard any violent language used at those meetings?—Not in Queen's County or Galway.

4112. Did you in Kerry?—I attended one meeting in Kerry, and certainly to my understanding, I did hear very imprudent and dangerous language.

4113. How long after that did you remain in Kerry?—The meeting I attended was after the revolution in Paris and Belgium.

4114. How long after did you remain in Kerry?—I left it last May twelve-months.

4115. You left it quite quiet?—Yes.

4116. You were obliged to send the police to take charge of the witnesses at the last commission?—I wanted to forward the witnesses in the case of Mr. Jacob, and I left directions with my chief constable to do so: he reported that he could get no mode of conveyance whatever. I received the report, and I was obliged to send a carriage from Dublin to Maryborough to bring them up under an escort of dragoons.

4117. What was it that made it necessary the witnesses should be so protected?—To save them from the violence of the people.

4118. In the county of Galway the majority of the attacks must have been made upon Roman-catholics by the Terry Alts?—Yes, inasmuch as the majority of the people are Roman-catholics; with respect to any discrimination between persons attacked for land, there is none shown.

4119. There is no difference of religion?—No.

4120. You are aware of Mr. Kerney surrendering his living on the borders of the Queen's County?—I do not recollect hearing of it before.

4121. Is there very considerable opposition to tithe in the district over which you preside?—Yes, to the sale of any distress that is made.

4122. What they call passive resistance?—Yes.

4123. Are you aware that encouragement is given to the opposition to tithe by any respectable persons, magistrates for instance?—I have heard it.

4124. And believe it?—Yes; and I may say the tithe system wants to be revised.

4125. Would you be so good as to say "extinguished" for "revised"?—No, no.

4126. Do you think that the tithe system, being founded upon the law of the land, that a magistrate who encourages opposition to that tithe system in the district in which he has sworn to uphold the law of the land, acts conscientiously in pursuing such a course?—I would not do it; I think every magistrate is bound to execute the law of the land as he finds it.

4127. The magistrates of Queen's County on the 10th of June represent the state of the county to be as follows: they say, "that by means of systematic agitation, the humble classes of society have been stirred up in the places alluded to into a total disregard for the laws?"—I believe it.

4128. "An utter disrespect for all civil authorities?"—I believe it, in many instances.

4129. "And wild and desperate measures to spoliato the property of the upper classes?"—I will not go so far as to say that; but the object may be to make them lower their rents.

4130. "And to command and measure, as may seem desirable to their leaders, the conditions upon which the property of the country is to be possessed?"—I cannot give any opinion upon that subject.

4131. They speak here of "systematic agitation;" what has been the result of your own observation as to the systematic agitation?—Holding meetings, and inflaming

injuring the minds of the people, and calling upon them to obstruct the administration of the laws. *Mr. Sugden, Esq.*

4132. Who have been the conveners of these meetings, generally speaking?—I should think the agitators.

4133. Do you apprehend that the Whitefeet and Blackfeet combinations are regularly organized under leaders?—I think they are, and very well inclined to extend their services on any occasion; but as I said a while ago, there is no distinction in the outrages relative to the attacks for grounds; but I must say that the class to which you allude congregate in great numbers at tithe meetings.

4134. The question was as to your belief of the organization, whether they were directed by leaders?—That is according to the purpose which might be required, but I do think there are persons who are directing them.

4135. The magistrates here say, "as may seem most desirable to their leaders," in which the magistrates assume that those combinations are under the direction of leaders who manage them, and direct the objects?—I think there are persons in Ireland that are leaders, but they may be for different objects; one object is, to attack houses and persons for arms; another to dispossess persons of their land; another may be to congregate the people together to resist the payment of tithe; and they certainly do move under the direction of leaders.

4136. Are they the same description of persons engaged in both?—Some are.

4137. Do you mean to say that all those engaged in meetings to put down the tithe are Whitefeet or Blackfeet?—Undoubtedly not: I think there are no leaders of respectability, with respect to the commission of nightly outrages; but there are over the same class of persons, if they wish to get them together for a tithe disturbance.

4138. Do you believe there is any distinction between the class attacking houses and looking for arms, and those who congregate to resist tithe, either by petition or resisting the sale when a distress is made?—Both classes resist the sale as far as ever they can go, saving acts of violence.

4139. Is there any connexion between that class called Whitefeet, who are illegally associated to attack houses, and those persons who congregate to resist the tithe?—I think the persons engaged in the nightly outrages do take part in the tithe proceedings.

4140. Do you mean to say that Whitefeet and Blackfeet attend tithe meetings?—Yes.

4141. But you must know that the majority who assemble at those meetings are not Whitefeet or Blackfeet, but the victims of them?—There are many persons of all classes attend the sales of tithe property, and Whitefeet too.

4142. And some of them their victims?—Yes.

4143. Are you of opinion they are formed into local committees?—Yes.

4144. And that those persons act upon a system, that their operations are regulated by certain rules?—I do think there are committees that regulate them.

4145. Do you believe that a person who is a leader of the opposition to tithe is also engaged as a leader of the Whiteboys?—No, they are not; some of the leaders resisting the tithe system, I am informed, are magistrates; but I do not know one in the Queen's County. The justices of the Queen's County are a most respectable body, at all times anxious to discharge their duties, and to bring offenders to justice; I found on all occasions they were ready to come forward to assist me in the discharge of my duty, and to preserve the peace of their county.

4146. You consider the system capable of being applied to any purpose that may be considered a common grievance?—Yes.

4147. And that they are under the direction of persons you would call agitators?—I could not trace the chain of connexion so far as that.

4148. Are they under the direction of leaders in the application of force, in the execution of their measures?—With respect to the resistance to tithes, I do not think there is any connexion with that and the common outrages of the country, except that the persons that are combined for the nightly outrages do join with people of good character in resistance to tithes.

4149. The magistrates, you are aware, intended to form a volunteer armed association under the sanction of Government, to be composed of good subjects of all denominations; how was that intention defeated?—I have heard such was the intention to form one in the Queen's County; and I have also heard that one of those gentlemen who made this offer made an application to the Government for arms for no other persons but Protestants, for which reason it was refused.

Matthew Seaghton,
Esq.

30 June 1834.

4150. Did you bear of any attempts made to defeat it on the part of those who were engaged in local agitation?—I cannot give any further information upon it; I am too short a time in the county to know.

4151. Is it your opinion that Roman-catholics forming part of such an association would act in the enforcement of the payment of tithes?—In my opinion they would not.

4152. Then such an association, if it was formed, could only be applied partially to the enforcement of the law?—And the suppression of outrage.

4153. It could not be applied in enforcing the payment of tithe?—No.

4154. Supposing a man was engaged in beating others for paying their tithe, that is an outrage; would such an association act in securing this aggressor?—I think not.

4155. Then it would not act in the suppression of all outrage?—I think not.

4156. Is the opposition to the payment of tithe as decided as ever it was?—I think it is increasing.

4157. What construction was put by the tithe-payers in Ireland upon the declaration of the Secretary of State, that tithes were abolished?—That they would be shortly extinct.

4158. Then by tithe do they understand the payment of a tax in support of the church in the abstract, or merely the present form of paying that tax?—I think there is a portion of both persuasions, Protestant and Catholic, very hostile to the payment of tithe.

4159. Upon what does their objection rest; is it an objection to the tithe regarded as a tax, or an objection to the support of a hostile establishment?—The Catholics object to it as a hostile establishment, and the Protestants object in consequence of the pluralities and the number of bishops.

4160. When you say the Protestants, what do you mean; what class?—I mean nine-tenths of the Protestants in Ireland I have been speaking of.

4161. Members of the Established Church?—Yes.

4162. Do you think that the objection to the payment of tithe, on the part of the members of the Established Church, is really an objection to the thing, or the effects of intimidation?—I think that the Protestants in Ireland would cheerfully pay the tax to support the clergymen, but they are not satisfied to pay it to absentee clergymen, and to the number of bishops and dignitaries in the church. I can cite one case of absenteeism, and that is in the county of Kerry: a late rector, Lord Brandon, held livings there to the amount of 2,000 *l.* a year, and for the three years and a half I was in the country I never saw him there or heard he came into it, and I spoke frequently to his curate, and he told me the allowance he had from Lord Brandon was not sufficient to support him.

4163. Suppose Lord Brandon had resided in his parish, and discharged the duty as a parochial clergyman, would the objection to the payment of tithes be the same?—I think so, as long as there was this great difference existing as to salaries.

4164. But if the clerical duties of the parish are discharged, it is not a question with the parishes who discharges them?—What I wish to convey is, that there are many Protestants in Ireland who wish the system should be changed, that is, that no clergyman should have 2,000 *l.* a year, and that the curate discharging the duty should be put off with 75 *l.* or 100 *l.* a year.

4165. That is an objection to the present arrangement of church property, not an objection to pay tithe?—The church property is tithe; if the 2,000 *l.* a year and 100 *l.* a year are to be paid to the two, Protestants would not wish to continue paying that 2,000 *l.* when they would cheerfully pay 100 *l.* or more to the curate.

4166. They would have no objection to pay the tithe, if it was properly distributed?—None whatever; and numbers of the Roman-catholics are of the same opinion, at least they were so till a short time ago.

4167. Do you think that the Roman-catholics would have resisted the tithe if left to themselves?—I am positive they would not.

4168. Do you think the Roman-catholics understand if tithe was not charged as a tax upon crop, it would be charged in addition to the rent?—Numbers of them.

4169. And therefore they think it a fair impost, put in that light?—They have no objection to pay the tithe where it is a composition, and they calculate it as a portion of the rent.

4170. What is your opinion of rendering the Composition Act general, under the

the existing circumstances; would Roman-catholics object to conform to it?—*Matthew Sleighten, Esq.*

30 June 1832.

4171. The same being still paid to the Protestant church, without any alteration?—I cannot give an answer to that question.

4172. Do you consider, that having been led to form the idea that they will have no farther tithes to pay, that they would be satisfied to pay it under the name of composition more than in any other way?—I think now there will be a very severe struggle, to bring a great part of the inhabitants of Ireland to pay tithes, under any circumstances; but until very lately they were well satisfied to have paid it under the composition.

4173. And you think they would have remained satisfied, but for the exertions of others in prompting them to resistance?—They would.

4174. You have spoken of the insecurity of life in Ireland, when gentlemen are faithfully discharging their duties?—There is no security for a man's life in Ireland, in the disturbed parts, if he discharges his duties faithfully.

4175. Does that apply to the magisterial office?—It does.

4176. So that a man acting efficiently as a magistrate, will render himself obnoxious to the people, just in proportion to his activity and zeal?—Yes; and numbers of them who did so have fallen victims into the hands of assassins.

4177. Do you not think that this conviction has had a very intimidating influence upon the magistrates?—Yes, very much.

4178. If they do that duty, they do it at the peril of their lives?—Yes; if they bring persons to justice, they do it at the peril of their lives.

4179. You are speaking of the disturbed districts?—Yes.

4180. Are you of opinion there are any real causes of disturbance peculiar to that county, which are not of a very general nature?—I think in general there are less causes for outrage in the Queen's County, than any county I have been in.

4181. You have stated in the early part of your evidence, you have found, generally speaking, that the prosecutors upon all occasions almost were Protestants; have you found that there was any reluctance on the part of Roman-catholics to prosecute?—Yes, I have.

4182. Do you consider that that reluctance proceeded from intimidation or from an indisposition to see the law properly executed?—Both.

4183. Do you mean to convey to the Committee that the Roman-catholics of the middle and higher orders are indisposed to the laws and government of the country?—The lower and middle classes are generally, but I should not take upon me to say that the higher classes are.

4184. Is it your opinion that the middle class of Roman-catholic farmers now acquiring wealth every day, are ill affected to the present government of Ireland?—I have found on many occasions that many of the respectable class of Catholic farmers are as willing to bear the burthen of the extraordinary establishment of the police to secure the peace of the country as any class.

4185. Then the Roman-catholic farmers being willing to submit to the imposition of this additional cess, shows no indisposition to support the laws of the country?—They do not come forward with that willingness to bring offenders to justice that a Protestant does.

4186. You have been in the course of your life a police magistrate in three or four different counties?—In two; in the county of Galway and the Queen's County.

4187. In both the counties of Galway and Kerry have you found among the Roman-catholic farmers any indisposition to prosecute?—Not in the county of Kerry, but I have in the county of Galway and the Queen's County.

4188. Do you attribute that indisposition to any want of concord between the Catholic farmers and the constabulary establishment?—I attribute it more to intimidation.

4189. Then you do not attribute it to any indisposition to the constitution of the country?—No, not to the respectable class of farmers.

4190. You stated some time ago that you considered the rent in the Queen's County to be one-third too high in some instances; are the Committee to understand this refers to land let in large portions, or to a cottage with an acre or a small quantity of land?—To the small class of farmers.

4191. What class of farmers?—Principally under 20 acres; and the system is enormous.

Matthew Sugleton,
Esq.

30 June 1832.

4192. What is the rate of the con-acre?—From eight guineas to ten for the potato land.

4193. For how many years is that?—It is for the crop.

4194. Does the person letting the ground manure the ground in that part of the country?—Yes, and prepares it; and if the acre of ground is well prepared and manured, and made ready to receive the seed, perhaps it is not dear; but the mischief has crept in by the small farmers endeavouring to get as high a rent for their con-acre ground, which would not be as well prepared, as the gentleman's land.

4195. That is the under-tenant?—Yes; he endeavours to get as much rent for his con-acre ground as the landlord who has it better prepared.

4196. Have there been any very extensive meetings held to prevent the sale of the distress?—I have heard of a very large assemblage of people, amounting to some thousands, at Carlow.

4197. Have you been present at any?—No; I was at the commission at Maryborough at the time.

4198. Have you heard that any magistrate was present at any of those meetings, to assist those preventing the sale?—Yes, by passive conduct.

4199. You have heard of magistrates attending upon those occasions, and by their presence and example exciting to that resistance?—Yes, passive resistance; and I have heard of many Roman-catholic clergy taking a similar part.

4200. There has not been one great tithe meeting at all that the Roman-catholic clergymen did not attend?—I believe they always do attend.

4201. Have you ever heard of any actual breach of the peace committed at those meetings at which the Roman-catholic clergy attended?—No; but I look upon an assembly of people of that sort to be illegal, except assembled on the day of sale; and I have heard that at the meeting at Carlow many fire-arms were lodged adjacent to the town.

4202. That is your opinion in point of law?—Yes; if a distress is made to-day, and if the sale is not advertised for a week, I say that those large meetings that take place in the intervening time, in my opinion are illegal.

4203. As calculated to deter people from purchasing?—Undoubtedly so; for I have heard that at the meeting at Carlow the persons there had written upon their hats "No tithes, no taxes," and others with horns sounding through the streets; and the town was in their possession for some days.

4204. Do you think that the present resistance to the payment of tithes will stop short at that particular object, or will cease with having accomplished that particular object; do you not think it will be applied to other objects?—I have no doubt of it.

4205. Such as rent?—No doubt of it, and to taxes too.

4206. Do you not think that the same kind of passive resistance offered to tithes will do as to rent?—Yes, I have no doubt but it will succeed; you cannot recover rent unless by distress, and what is the use of a distress if you cannot get any person to buy the goods distrained.

4207. Do you think that the resistance to the payment of rent is contemplated by the opposers of the system of tithes?—I am of opinion that any rents that are considered too high will be brought down.

4208. Is it your opinion that they will stop there?—I think not.

4209. Do you think they will proceed, after objecting to unreasonably high rents, to object to the rents, in the abstract, as rents?—I think the people are inclined, as far as my knowledge goes, to pay a reasonable and fair rent for their land; and I have found many properties in the Queen's County let at a fair rent, and a most respectable tenantry located on them.

4210. Who is to be the judge of a reasonable and fair rent?—Of course that cannot be defined, for the landlord may put a high rent, and the tenant may say it is too dear, and I do not know any arbitrator but an agent.

4211. Suppose the Whitefoots were to decide the amount of rent, what do you think they would be contented to say was a fair and reasonable rent?—They would put it under the value.

4212. In practice, is there anything more than a slight difficulty, if persons are reasonably disposed to find out the fair rent?—If you give the farmer an interest in his land he will be inclined to pay his rent.

4213. Must not the rent always have reference to the crop produced?—Yes.

4214. If the landlord exacts a rent that the tenant can conveniently pay, is it not

not reasonable to expect that it will be paid?—That is according to his calculation; if you calculate that a man should live upon dry potatoes, no doubt he can pay a higher rent than if he lived upon potatoes, milk and butter.

4215. If he lived upon dry potatoes he would have no interest in his farm?—Certainly not.

4216. You think the rent should be such as to let a man live upon potatoes and milk and butter?—Yes, and be able to clothe himself and his children, and to pay for their schooling.

4217. That rent you think would be paid?—Yes.

4218. Have you made any inquiry into those cases where you think exorbitant rent has been charged?—Yes, I have inquired as to the amount of rent demanded, and I have had conversations upon the subject with many persons, and they all agreed that the rent was too high.

4219. Have you succeeded in tracing any connexion between high rents and large mortgages upon property, and the distress of the landlords or absenteeism?—There is a property in the county of Galway, in the possession of the proprietor, a very rich man; and report says he sets his ground for one-third above its value, and pays his tenants very low wages for any work they may be called upon to perform for him.

4220. If an estate is mortgaged nearly to the value, will not the landlord have a very powerful motive for raising the rent to the utmost, inasmuch as the additional sum he would derive will be spread over a larger surface and bear a larger ratio to the income he has to expend?—No doubt of that.

4221. From your experience, have you been able to trace the circumstance of exorbitant rents being charged to the circumstance of the fact of estates being mortgaged very nearly to their value?—I have heard in some instances that has been the case.

4222. With reference to an answer of yours as to the feelings of the Protestants to the Established Church, is it your opinion that the Protestants, generally speaking, consider the establishment too wealthy, and that its revenues are not sufficiently equally appropriated?—That is the opinion of many, very many Protestants that I have spoken to in different counties.

4223. It is not unnatural to suppose that they would feel no objection to such a reduction as would place that establishment upon a basis of a more limited nature?—I do not think that the Protestants of Ireland wish anything to be taken from the revenues of the church, only to be applied more equally.

4224. Supposing the project of raising a tax upon land in lieu of tithe be enforced, do you think that the difference of name will render that mode of payment popular with the people?—It will render it more popular and satisfactory than the present mode.

4225. Do you believe it will affect that to which they look, a remission of the tax altogether?—The Protestants of Ireland would not wish it to be remitted; many of them expressed themselves satisfied to pay under the Composition Act.

4226. As far as you know, has the resistance been in general where the Composition Act was in force under the old law?—I have heard that the resistance where the Composition Act is in force has grown very much lately, and I have heard now that it has extended to the county of Kerry.

4227. Where it did not exist until lately?—Yes, not until lately.

4228. Do you attribute the active opposition to tithes to a passage in a letter of Dr. Doyle's?—I do.

4229. Do you think that if the same influence was made use of by Dr. Doyle and persons in his situation in life, that they could prevent that opposition to tithes now?—I think if the persons alluded to came forward now, and recommended the people to pay the tithes and to throw themselves upon the Government for redress, there would be no opposition.

4230. In the county of Galway the witnesses for the prosecutions were almost all Catholics?—Nearly so.

4231. There were at least as great a proportion of Catholic witnesses as there were Protestant witnesses in the Queen's County?—There were.

4232. Have you any remedy you would suggest for the disturbances that have taken place?—I think nine cases of outrage out of ten occur relative to dispossessing one person from his ground, and the land being handed over to another. I would propose, if a person is attacked, and sworn to surrender land on the following day, or on any other day, to a certain person, that if that person received

Matthew Singleton, Esq.
 30 June 1832.
 up the land from the person compelled to take the oath, and that he exercised any ownership over it, that he ought to be considered as an accessory after the fact. I will give you an instance: there is a widow woman in the Queen's County that holds a small portion of land since her husband's death, under a lease for lives, and the former persons in possession of that land are supposed to have sent a party of Whitefeet to her house by night, on two occasions, to swear her to surrender that land to them on the following day; and in order to make the surrender, as they thought, legal, they directed this unfortunate woman, in the first instance, to give up the possession of her land to the driver of the landlord, and the driver of the landlord to give it to the persons to whom she was desired to surrender it; and those persons have exercised ownership over that land that she now holds by lease, and is still accountable for both rent and taxes, and they have actually tilled it; and I say that those men that so exercised the ownership over the land, have a right to be indicted as accessories after the fact. I should also recommend that all persons found with fire-arms by day or night, assembled for illegal purposes, should be liable, at the discretion of the Judges of assize, to be transported for seven years: at present that very serious and dangerous offence is only punishable by imprisonment.

Lund, 2^e die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Colonel John Sturgeson Rockfort, called in; and further Examined.

Colonel John S. Rockfort.
 2 July 1832.
 4233. HAVE the people, in your opinion, complete confidence in the magistracy?—No, I think not.

4234. Do they make any distinction between the different country magistrates?—They do.

4235. Of what kind is that distinction?—I think they have a respect for the upper class of magistrates, not for those who have not much property in the country.

4236. Has it occurred to you that it would be expedient, to provide against the inconvenience that arises from this want of respect for the magistrates, to introduce anything like paid magistrates into the country?—I think, in the present state of distrust between the two parties in the country, it would be very desirable to have a paid magistrate, who should be a lawyer, and might attend petty sessions. I think the people would have confidence in an appointment of that kind, more than they have in the courts as at present constituted.

4237. Would you have him keep a court of his own in the county town?—I think they might regulate the petty session of the magistrates so that this paid magistrate might be able to attend it, if not every session, at least occasionally.

4238. Would it not be desirable that this magistrate should have a court in which he could act himself, to be open at all times to hear complaints?—I think it would.

4239. Is it your opinion that it is advisable that the clergy should be magistrates in Ireland?—I should wish to see the clergy confined to their clerical duties, particularly on account of their religion, the great bulk of the people being Roman-catholics. I think it expedient that the clergy should not act in a political or judicial character.

4240. Have you seen the new law as to constables in England?—Yes; and I should think it expedient to extend it to Ireland.

4241. Would you propose any alterations to make it more applicable to Ireland than it is at present; do you think that Act would admit of several associations being formed, which the witnesses have alluded to, to suppress those outrages?—These associations were acquiesced in by the Government last year, but they were stopped by jealousy, and the difficulty of getting men of different persuasions to act together; and I think that this Special Constable Act would afford the means of drawing them together.

4242. The associations alluded to are not the armed associations, but the associations suggested here by the witnesses are to be formed of farmers of the country, without arms, merely to patrol and apprehend persons?—If they were associations only to give information, so that the armed force in the country might act, they would be most valuable; but still more so if they patrolled.

4243. They

4243. They would be more useful if they were to patrol, in case the country was in a state of disturbance?—Yes.

4244. You think that the magisterial functions very decidedly interfere with the clerical duties?—Very much.

4245. It has a tendency to alienate the Protestant part of the parish from the magistrates?—Decidedly it may; but especially a certain class of the Roman-catholics.

4246. Do you not think there is some danger, supposing that we had in counties or in districts such magistrates appointed as you suggest, combining a legal qualification with a general knowledge of country business, that their attendance at petty sessions would have the effect of alienating the remaining confidence of the people?—It might be looked upon by the people, under their present sentiments, as confirming their impression, but I do not think it would shake the confidence of the people in those that they look upon as a better or higher description of magistrates.

4247. Combining legal qualification with the ordinary qualification of justices of the peace, would they not obtain credit for greater qualifications, and throw the magistrates of the county into the shade?—I do not think that would apply to the upper class of magistrates, and it would tend to instruct them where they were ignorant of the law. More power might be entrusted to such a court, and it might act as a preventive to serious crimes, substituting certainty and rapidity of punishment for severity.

Sir John Harvey, called in; and farther Examined.

4248. DO you wish to communicate anything to the Committee, in consequence of some evidence that has been given here since you were examined?—I am anxious to receive the permission of the Committee to place upon record, by appending to my former evidence, a brief statement of the occurrences that took place at Castlecomer on the 1st of January 1831, to which I understand allusion has been made. I am extremely unwilling to press upon the Committee anything that is at all personal of myself, still less to invite discussion upon the subject; my only object is to place upon record this statement, and to add, that it has been seen by Lord Ormonde, who was lord-lieutenant of the county, and by Lord Ossory, and they have both expressed their entire concurrence in the general statement; it has been seen also by Major Bryan, the high sheriff, who was acting with me at the time, and it also meets with his approbation.

Sir John Harvey.

Statement.

"Reports having reached the Irish Government that a very numerous meeting of 'Hunters' (persons assembled for the avowed object of effecting a reduction of tithe, and carrying hurling sticks, under the notion that it legalized their proceedings, by giving them the character of 'meetings for the purpose of amusement') was expected to take place near Castlecomer, in the county of Kilkenny, on the 1st day of January 1831, I was directed to assemble a considerable force of constabulary police at Castlecomer, and to proceed there myself on that day. On my arrival (which, in consequence of the state of the roads, was rather later than I had calculated upon), I found the town occupied by a very strong military and civil force, and the Marquis of Ormonde, the Earl of Ossory, the high sheriff, and several other magistrates, assembled. I immediately put myself in communication with them, and learned that a very large concourse of the peasantry was then assembled at Dysart Bridge (about a mile from the town, on the Kilkenny road), and that it was understood that their object was to enter the town with the intention of proceeding to the residence of the rector, for the purpose of demanding a reduction of tithes. I inquired if the magistrates had had any communication with the people for the purpose of warning them of the unlawful character of their proceedings, and of endeavouring to induce them to disperse; and understanding that no such communication had yet taken place, I offered my services to go out and speak to the people. Major Bryan, the high sheriff, offered to accompany me, and we instantly, with Lord Ormonde's entire concurrence, proceeded towards Dysart Bridge (in Major Bryan's carriage). And here it may be proper for me to state (with reference to an idea which I understand has been expressed), that I was furnished by the Government with no instructions of a secret or confidential nature; the only instructions I had were those which were in the hands of every magistrate in Ireland, and which have been published in all the newspapers, viz. the Chief

Secretary's

Sir John Harvey.

2 July 1835.

Secretary's circular, in which the unlawful character of the hurling meetings was very clearly, and, as appeared to me, very ably pointed out, but in which it was also very humanely enjoined on the magistrates to warn the people of the illegality of their proceedings before they proceeded to act against them. This letter, though it had just come down to the magistrates, they had not had time or opportunity of making publicly known to the people, and no proclamation had then been issued upon the subject, consequently it was fairly presumable, in my opinion, that the people at Dysart Bridge might consider themselves lawfully assembled upon a lawful occasion, and, being obstructed by the authorities without any previous remonstrance, advice or explanation, that collision and bloodshed might ensue. Under these impressions, I undertook the office of mediator, and though the crowd we found at Dysart Bridge was dense and most numerous, nothing could be more peaceable than their demeanour and conduct. They listened to what I said with respectful attention; promised to disperse and go home when informed that they were unlawfully assembled; and, in reply to a remark of mine, that I was convinced they had no design of breaking the peace, numerous voices instantly answered, 'No, Sir, we would not harm a child.' After I had concluded what I had to say, several of the priests came up to the carriage, and, on the part of the people, requested as a favour that we would intercede with Lord Ormonde and the magistrates to allow such of them as lived on the other side of Castlecomer to pass through the town on their way home, otherwise they said they would have to make a great *détour*. To this request the high sheriff and I said we saw no reasonable objection, provided they promised us to conduct themselves peaceably; and upon their reiterated assurances to that effect, we added, that we were so satisfied of their sincerity, that we (Major Bryan and myself) would be responsible to the magistrates for their peaceable demeanour. Upon this we drove back to the town, followed by probably the greatest part of the peasantry, at which I was by no means sorry, as I wished them to see the formidable array of troops and police collected at Castlecomer, and that the authorities had an ample force at their disposal. Their conduct in passing through the town was as orderly as could be expected; an occasional shout from an excited individual it was not possible to repress; but not a single act of violence or attempt at a breach of the peace took place, nor was the residence of the rector (the object of their assembly) approached or molested; if there was any triumph, therefore, I consider it to have been that of humanity and authority. The Roman-catholic priesthood, in my opinion, deserved every possible credit for their exertions in repressing any disposition to excitement on the part of the people upon that occasion. When the people were in the act of passing through the town, a gentleman, whom I did not know (and to my belief have never seen since), but who, I afterwards learned from Lord Ormonde, was General Crawford, said something to me about a triumph being afforded to the people. Had I known this gentleman as a magistrate of the county, or as holding any official or responsible situation in it, I should probably have endeavoured, though it was then too late to forego the decision which had been adopted, to have convinced him of the propriety of that decision. But acting, as I was, upon my own view of the case, according to the best of my judgment, upon my responsibility as an officer of the Government, and having the entire concurrence, in that view, both of His Majesty's Lieutenant and of the high sheriff of the county, I did not feel myself called upon to enter into any discussion upon the subject with any irresponsible individual. I say this with every possible respect for the opinions of an old officer (though I did not then know him to be such), and I only claim for myself the same degree of credit upon the score of honest and upright motives, which I am most willing to concede to General Crawford, in regard to any opinions which he may have expressed (and of which I am entirely ignorant) of my conduct as a public officer upon the occasion adverted to.

"J. Harvey."

4249. You are not of opinion, judging from the memorial you have handed in, that the priests excited the people, or encouraged them in going through the town?—As far as my observation extended, I have stated the reverse; they gave us every assistance in repressing tumult.

4250. Were the priests the ostensible leaders of this party?—We made them the organs of communicating with the people; but I think some of them accompanied us through the town of Castlecomer.

Major George Bryau, called in; and Examined.

4251. YOU have heard the statement read by Sir John Harvey?—I have read it before. Major G. Bryau.

4252. You are able to inform the Committee that it meets with your approbation as being perfectly correct?—In every particular. 2 July 1832.

4253. What is the state of the county of Kilkenny now generally?—I think it is in a very disturbed state still.

The Reverend John Burke, called in; and further Examined.

4254. THE Committee wish to understand whether you have considered it your duty upon particular occasions to take a very decided part in the politics of your county?—A decided part in politics is rather a question which I do not well understand; and if it should please the Committee to limit the question to a particular subject, I will answer it; I do not know whether any part I could take in politics could be decisive as to the county. Rev. John Burke.

4255. I would give you, as an illustration of my meaning, your attending at political meetings, and making very strong speeches?—I have attended at political meetings, and I have made some speeches.

4256. Both in your county and the neighbouring counties?—And in neighbouring counties; in one neighbouring county, Meath.

4257. You conceive, as a clergyman, you are perfectly at liberty to mix your opinions and your influence with secular politics?—Certainly, I do think that my order does not deprive me of the right of citizenship, and the right of expressing my opinion on what interests the community.

4258. Or taking a decided lead in such questions?—When I know I am right, and they allow me the leadership, I feel it a great honour to take the lead in directing the people to pursue that object.

4259. You stated on the first day of your examination, that the trial of the police at Mullingar and Castle Pollard, and the circumstances connected with that trial, produced a general distrust in the office of the magistracy of the country?—I said that it increased it very much, not that it occasioned it.

4260. Great distrust in the magistracy?—Yes; I said the distrust existed before, but it considerably increased it.

4261. There are certain sentiments and opinions attributed to you by the public press at a meeting at Meath; I wish to know if you are correctly reported; for example, you are represented as having made use of this expression, on the occasion of Mr. Grattan's election: "What kind of feeling can be entertained by you, my friends, for the laws, and for the administration of them, in this country, and for those functionaries who administer them, when the lowest grade of them can embase their hands in innocent blood with impunity, and are sure to receive protection from the ermine on the bench."—[*The Witness was directed to withdraw. After some time, the Witness was again called in, and the question repeated.*]—Having searched my recollection since I went from this, I do not recollect that I used this expression; and I do not think it probable that, even if I do not recollect it now, from any deficiency of memory, I could have used it; because it was not in opposition to the magistrates, but the combined aristocracy of Meath. I was endeavouring to urge on the people to assert their freedom of election; and I was well aware at that time, as I am now, that this opinion, thus expressed, would subject me to a charge before the public tribunals of a very heavy and serious nature; so that taking the probability of the case along with my own recollection, I cannot think I ever used the expression in public. What my belief was I will give, if required; for my belief upon this subject is very strong. Whilst I did not give that belief which would endanger myself to the public, my belief is that they would be protected; but I never said so.

4262. Assuming that such an expression had been used, do you not think it would have been eminently calculated to have shaken public confidence in those who were intrusted with the administration of justice in Ireland?—If public confidence existed I think it would shake it, and if it were weak in the public functionaries, I think it would still further debilitate it.

4263. There is another question I wish to ask you, founded on the same report. In alluding to the aristocracy, you are reported to have said, "It is such men who have bared the country to its bones; if you abhor the bloody and inhuman

Rev. John Barle.

2 July 1832.

massacres of your innocent and ignorant countrymen, that took place at Castle Pollard, and those butchers of their own species were permitted to escape with impunity, so long as the laws continue to be administered as they were at the last assizes at Wexford and Mullingar, the people might not expect justice; that it was tainted at its very source." Can you charge your recollection with having used such expressions, or expressions of a similar purport?—I did not use all the expressions that there are there, but did use some of them; I said that it was necessary to have in the councils of the nation, or in Parliament, men who would prevent justice being tainted at its very source, and stop the misrepresentations pouring into the House of Commons every day. I cannot recollect that I used the words, "butchered by their own species," and "escaping with impunity."

4264. Is that a correct copy of what you wrote in answer to a requisition to assist the Government?—[*Handing a paper to the Witness.*]—I have looked over this in different parts, and find it to be a correct copy of the letter that I wrote.

4265. Give it in.—[*The same was handed in and read, as follows:*]

"Sir,

Martin's Town, August 18.

"I have been favoured with two copies of your circular on the census of the population: I suppose the parish priest of Newtownbarry received one or two more. I would wish to know what obligation the priests of Ireland owe either to you or the Government, that we should assist your travelling servants, and look over their work. If you want clerical bailiffs, call on those whom you pay, and who have nothing else to do. With respect to us, we have neither time nor inclination to give you gratuitous services, no more than we would be inclined to disgrace ourselves by receiving your pay. You want the census of my parish: All the information I can give you is, that its population was reduced in the last shooting day 11 in number, and that we have laws which forbid me to characterize that deed as it deserves. The Government, which is supported at an enormous expense for the purpose, or under pretence (which you know is the same thing) of protecting each man's right inviolable, calls upon me to help to number the rest of my flock, without alluding in the smallest degree to those 11 whom I have lost. Does this Government think I could so soon forget them, or that I can ever forget them; or that from my memory can be effaced the impression which their pallid countenances, distorted by expiring agonies, their stiffened limbs, their bodies smarting with the tepid current that gushed from their hearts, has stamped on my mind? Sir, send your Orange messengers and enumerators to those to whom they are welcome, but let them not be annoying my little place by their unwelcome presence. I am too much affected by the loss of my parishioners, whom I regarded more than I do you, or any one belonging to or connected with the Irish government, to turn my attention to this display, that is so worthy of the men who take the adorers of Jupiter, Mars, and Pluto for their models, in perhaps more instances than the census. Having no design to offer you any personal disrespect, but merely wishing to reply to your official letter, I have the honour to remain, Sir, your very obedient servant,

"J. Burke, P. P., Castle Pollard."

"To G. Hatchell, Esq., Dublin Castle."

4266. Have you any recollection of a report made by an officer of the 12th, Lieutenant Lechmere, of certain expressions attributed to you at Castle Pollard?

--Yes.

4267. Were you sent for to Dublin upon that?—No.

4268-g. Did you think it necessary to go?—No; I did not hear that he made a report to Dublin Castle. I heard, on some Sundays when he attended at the chapel, he went off immediately to Mr. Pollard's, where he was in the habit of dining, and he made a report of what I said at the chapel. I was perfectly satisfied he would do it, and it gave me no concern. I saw in the Mullingar paper, called the *Westmeath Journal*, expressions attributed to me which I did not use, and designs I had never entertained, that I was endeavouring to corrupt the military, and seduce them from their obedience. I applied to an attorney to prosecute this journal; I was dissuaded afterwards from doing so, as he was a pauper, and I could have no redress without going to a great expense, and not obtain redress after all.

4270. You have been accused of using strong expressions at a meeting, the particulars of which you cannot state; have you ever heard or read of strong language

language used by ministers of another church in the same country on former occasions at public meetings?—Yes, very strong.

4271. Do you think that language, if not equal in force to that, but equal in asperity, could be found among the speeches made by the clergymen in the north of Ireland?—I have read in the public prints speeches made by clergymen of the Established Church, calling upon the loyal body of Orangemen to come forward, and after a shower of blood the atmosphere would clear, and all be peaceable again.

4272. You have been asked as to a letter you wrote to Mr. Hatchell, and you state in that the priesthood of Ireland are under no obligation to the Government; do the Catholic priests receive payment from the Government of the country, or are they not supported entirely by their people?—In the way of payment they receive nothing, except in guals, and, I believe, in some hospitals; but the parish clergy, generally, who labour in the Irish mission, receive no pay from the Government; and as to protection, they have never been under the necessity of requiring the protection of Government.

4273. Have you not heard of instances in parts of Ireland where the priesthood have been exposed to considerable danger, and lately in the town of Ballyhay, where a Catholic priest was threatened by a person of the name of Bray, and was obliged to go to the Government?—Yes, I have.

4274. Do not the Catholic clergy, with the exception stated, depend upon the charity of the mass of the people, and receive little or no aid from the Protestant portion of the community?—I have scarcely known them to receive anything at all contributive to their support from the Protestant population of their parishes, nor do I think it is expected.

4275. You wrote the letter alluded to when your feelings were excited by the loss of 11 individuals?—I feel the same still.

4276. You think that the law was not rightly administered at Mullingar, at the trial of those policemen?—Yes, I do.

4277. State why.—The reason I should assign is, that the charge was partial; the jury was packed, by the array made of the panel by the sub-sheriff, as the lists shown by the sub-sheriff to the attorney for the prosecution showed.

4278. There were no Catholics on the jury?—No.

4279. There were some gentlemen that were considered extremely liberal?—There were different opinions about that.

4280. Feeling so strongly as you did with respect to this trial, was it not natural that, in addressing the people in Meath, you should allude to that as an improper manner of carrying the law into effect?—I am sure that I did allude to it, but not in the strong language that has been reported, according to the extracts read by Captain Gordon.

4281. Do you know anything of a memorial forwarded by two persons in the name of Talbot, in Mullingar gaol, reflecting upon the conduct of the magistrates of Westmeath?—Yes, I do.

4282. Do you recollect the particulars of it?—I did not draw it up; I do not know the particulars.

4283. An answer was returned to it?—I heard it was sent to the barrister.

4284. Are you aware that the prisoners in question have since made an affidavit that they never sent such a memorial?—I was not aware of it; the memorial was not drawn by me; I saw it, and I changed nothing in it and added nothing to it.

4285. Did they acknowledge the memorial?—Yes, they did; they were speaking to me about it; they asked me to draw a memorial; I said I did not know the particulars, and then mentioned a friend that would draw it, and I said there could be no more proper person, as he knew all the facts.

4286. Do you know that the prisoners signed it?—Yes, I heard that they did; the person who drew it told me so.

4287. You stated in the former part of your evidence that the tenants of the Duke of Buckingham's estate had refused to pay the agent rent?—Yes.

4288. What was the cause of their refusing?—The cause was, that in 1830 there was great distress prevailing all over the country; in the month of June that distress increased so much that actual famine set in. Early in June I was applied to by the tenantry and others to write to his Grace the Duke of Buckingham, for relief to be given by him to the tenantry famishing upon his estate; I did so, and received an answer, written I believe the same day, from the Duke of Buckingham, saying that he had heard of the distress, and that he had written to his

Rev. John Burke.

9 July 1831.

Rev. John Barke.

2 July 1834.

agent to give relief where required; that relief was not given, and five or six weeks elapsed without any communication either from his Grace the Duke of Buckingham or from his agent. I wrote again to the Duke of Buckingham, saying that the relief was not given, and regretting that his promise should be violated by any person; stating also to his Grace, that it was time for him to see that his character should not be injured either as a landlord or benefactor of the people, by those who had certainly brought his word and character into disrepute.

4289. What answer did the Duke give to this letter?—The Duke did not answer that letter, but some days afterwards there was a letter written by the agent, saying he had seen my former letter to his Grace, and finding there was no distress prevailing on his estate, he did not think it necessary to give any relief.

4290. Did you make any further expostulation upon the refusal?—Yes, I did; I wrote a letter immediately afterwards, giving instances where distress did prevail, and saying that his agent had violated his promise to the people.

4291. Did you not come over to England?—Yes, but it was not upon that question I came over; the famine had gone by; there was no remedy to be given that could affect it.

4292. Did you not come over to England to make an application to the Duke of Buckingham?—Yes, with a memorial from the tenantry, stating their poverty and the extraordinary demands for rent, which they could not comply with; I got this memorial drawn up, and they differed about who should be appointed to convey it to the Duke of Buckingham; some agreed to have one tenant, and the others disagreed; at last they concurred in asking me would I go over. I said if they chose to appoint me I would; but I would not suggest to them to appoint me.

4293. When you came over, did you see the Duke of Buckingham?—I called at his house in Pall Mall, and the servant told me he was engaged at the House of Lords. I said it was about a private matter concerning his property and tenantry; he said, "come to-morrow." "What hour will his Grace be most at leisure to hear a person about this matter?" I called at half-past 11, and I met a person in the hall; I do not know what situation he was in, I suspect an upper servant; he wore no livery; I said "I was here yesterday, and sent in my card; I was told that this was the most convenient time to see his Grace." "Did you send in a letter?" "Yes, I sent in a letter." "Well, his Grace will not see you." "Did he tell you so; to tell me he will not see me?" "Yes," "He will hear from me," said I.

4294. Did you ever hear from him afterwards?—No.

4295. Did the tenants assign to his Grace the refusal of this relief?—No, they assigned it to the agent.

4296. Are there any other acts of the agent that induced them to suppose that?—One of the tenants told me that the agent, and a friend of his upon the property, endeavoured to induce him to turn Ribbonman, and swear in Ribbonmen, in order to detect those that were before Ribbonmen in the parish: this is his statement: "How can I know it?" "Cannot you become one of them yourself, and enter into the business; you can swear against them then." I told him this ought to be made public if it was true; he said that it was. I then drew up a petition including this charge, which I sent forward to Mr. O'Connell, to be presented to the House of Commons; that petition Mr. O'Connell did present, and withdrew it afterwards. The agent having heard this, called on the magistrates at that session, and some magistrates of other petty sessions, to attend and inquire into it; and I, having heard this, called on the man, and told him he would be obliged to answer for this charge made against the agent; he told me he would swear to it; I said very well, go to Mr. Deace, a magistrate of the petty session, and swear to it. Mr. Deace wrote to me, and told me he did not choose to take the affidavit at his own house; he always acted in conjunction with the magistrates at petty sessions, and if the man attended on Wednesday, he would take it. The other magistrates refused to take it; but Mr. Deace took it, and the inquiry came on at the following petty sessions. At that subsequent petty sessions the matter was inquired into, and the agent, and his friend I mentioned, now came into court, and denied the charge. The person who gave me information, and whose information was embodied in the petition, reiterated the charge; and he was asked why, if he had such a charge to make, he did not come forward and state it to the magistrates, and lodge an information against the parties; he said he did now know it was a matter the magistrates would take cognizance of, or whether it was a breach

Rev. John Burke.
9 July 1832.

of the law; they said, yes, if it were true; he tendered the examinations and they were taken, and the agent and his friend were brought to trial at Mullingar, and the jury deliberated two hours and twenty minutes, and brought in a verdict of not guilty.

4297. Are you acquainted with the particulars connected with the trial of that case at the assizes?—I am. I was not in court; I was summoned by the traverser, and put out of court as being a witness.

4298. Did you hear it stated that it was considered as quite a monstrous charge, and undeserving of any kind of credit?—I heard that some had characterized it so, and others had not.

4299. Did you hear that the prosecutor's counsel had made use of such expressions?—No.

4300. Do you know anything about the character of the jury?—I do.

4301. Did you hear there were six Roman-catholics upon it?—I do not think there were six; I think four; I do not well recollect. I have nothing to object to the jury on the trial at all; the issue of the trial did not give dissatisfaction; if I was on the jury myself, not knowing the particulars, I should have given the same verdict.

4302. Was the memorial that you were the bearer of to the Duke of Buckingham drawn up by you?—Yes, and submitted to the tenantry, and signed by them.

4303. How many appended their signatures?—I think about 50, as well as my recollection furnishes me.

4304. Then you are of opinion that upon that trial the statement embodied in the petition was unfounded, and not worthy of credit?—No, I am not; but I think the jury could not well bring in a verdict upon the unsupported testimony of one witness; that is the reason why the jury were justified in bringing in a verdict; but I have other opinions about the veracity of the statement, quite different from that.

4305. You have alluded to the distress of the tenantry; what was the state of the distress when you memorialized the Duke?—They were living upon weeds and green cabbage; it was a state of extreme distress. I had many of the tenantry, with others, every morning at my door; some mornings 150 came for food, and a friend of mine who keeps house for me, told me she could not keep the numbers that were applying, and was in despair of relieving them. I told her, "let them want for nothing that is in the house; give it to them all; the people will not let me want." They were in extreme distress, some were crying and lamenting, and others seemed in a state of wild despair; some of them had land to the amount of 20 acres, and they were begging of me to give them money, that their crops would afterwards repay me. I said, I had no doubt of being paid, but I had not money to give them, but as far as I had any means of relieving them, to the last atom in the house, they should get it.

4306. Are you not of opinion that cases of such a nature and so frightful as you have described, ought to be met by a tax upon the land to relieve the people?—I think the proprietor of the soil, in the case of dearth and famine, ought not to suffer the people to perish, that there ought to be a legal provision made to meet the emergency.

4307. Are you of opinion there ought to be a provision permanently and annually, or merely to meet those emergencies?—If it were well regulated, I think there ought to be permanent relief, for there are always cases of distress in the most plentiful times. Where the father of a young family is attacked with infirmity and illness, and are left in a destitute situation, there ought to be some provision for cases of that nature.

4308. You have expressed no opinion as to the excitement of the tithe question in your neighbourhood?—There has not existed a great deal of tithe dispute in my neighbourhood.

4309. You are aware there has been a great deal of opposition to the collection of the lay tithes of Lord Westmeath?—Yes, I am aware there is opposition, and it has been as yet opposed, but Lord Westmeath had taken no active measures to enforce it, and the opposition, in consequence of his deferring to do so, cannot be called a violent opposition.

4310. Do you know anything of the circumstance of his tithe agent's house being attacked, and his books burnt?—Yes, I do; it occurred in a neighbouring parish to mine at Christmas last.

Rev. John Davis.

2 July 1832.

4311. Was it an act committed under the system of the Whitefeet?—I think it was an act of robbery. I mentioned there were some robbers in the neighbourhood, some of whom had fled; I denounced one of them by name: knowing him an infamous character, and believing him to be at the head of a gang, I denounced him by name, and he fled the country. The party were after robbing a man of the name of Arkins, of beyond 100*l*. I went to the station where confession is heard, and having heard of this robbery in that way, and knowing this person to be out armed at night, I denounced this man as being at the head of the gang, and he ran away the next morning with the money, and went to Liverpool, and thence to America.

4312. Do you apprehend the burning of those tithe books was an offence to call upon you to denounce him in the same way as the robbery of Mr. Arkins?—It did not occur in my parish; the robbery of Mr. Arkins did occur in my parish, and I could not charge my people with it without injustice; and I suppose my brother clergymen would do the same as I would if it had occurred in mine.

4313. You would have done it if it had occurred in your parish?—I think I would.

4314. Was the trial about the Duke of Buckingham's agent considered a party trial?—I do not know, except from one symptom that happened; I saw the chief of police very active in procuring a jury upon the trial that just preceded it, and this case in which the Duke of Buckingham's agent was concerned was called immediately after; and from this careful selection of the jury, I did believe that that jury was selected to try that case.

4315. Generally speaking, the distrust that exists in the administration of justice is where cases are considered party cases, where the trials are considered party trials, and where the police are on one side and the people on the other?—Yes, that is the case; it is also the case where the aristocracy are in opposition to the people: there seems to be the same anxiety to have a select jury to forward the ends of the aristocracy against the people.

4316. You have stated that the district in which you reside yourself, and also a part of the county of Meath with which you are acquainted, is not in a disturbed state?—I think it is not; I think it is perfectly peaceable.

4317. Then admitting the letter and the speeches attributed to you, which it is insinuated excited the people, those have not produced the effect that was intended?—I think what is called the exciting language I have used has generally led the people from revenging their private wrongs to depend upon the intelligence of those who directed the people of Ireland, and to seek redress by legal means; that was the nature of the excitement which anything I said was calculated to produce.

4318. Is it your opinion that the influence of the Catholic clergy over their flocks is as great as it used to be?—Quite as great.

4319. Have there been any cases where the clergy have been opposed and insulted?—There have been cases where they have opposed the people in resisting the payment of tithe, and where they have spoken disrespectfully of their proceeding; there they would not succeed, and they would lose their influence over the people in other respects.

4320. You would give the Committee to understand that their influence depends in a great measure upon going along with the people?—When the people generally concur in a particular object, and that object seems to them a fair and legitimate and peaceable one, it is quite nugatory for the clergy to oppose them, and not only that, but it is detrimental to his own influence and the confidence he expects they will repose in him.

4321. I asked you a question the last day of your examination with regard to Ensign Matson, of the 59th regiment?—Yes.

4322. I asked you whether you recollected an officer of the 59th, of the name of Matson, coming in charge of the Roman-catholic soldiers of that regiment to your chapel?—Yes, you did, and I said I did not know the name of the officer.

4323. Do you recollect the circumstance in your sermon of having alluded to the impropriety of a stranger being sent, meaning thereby this said officer?—No, I did allude to the officer that had come before, but I did not allude to him present; Captain Lechmere, they called him; and an ensign whose name I do not recollect, had attended there before, and gone to Mr. Pollard, the magistrate in the neighbourhood, as soon as the service was over; and being able to trace to his report the false statements made in the Westmeath Journal, I attributed them

at first not to him, but I said I was informed that the officer had come there for the purpose of being a spy upon me, and not only doing that, but misstating what I said; I was reluctant to believe it, and said I could not believe it; I said I thought it impossible that any gentleman, wearing the uniform of the British army, should bear the character of a spy. I hoped it was not true; subsequently it appeared to me it was true, and I told the people so; the officer was not there, he had gone to Drogheda, and I was informed in confidence, before the officers came to the chapel, that they were ordered to attend by the Lord Lieutenant of Ireland, the Marquis of Anglesey, and to report what I said; this I did not believe at the time, but I now believe that the Marquis of Anglesey did send them there as spies upon me.

4324. Do you recollect having shown any disrespect in your manner to that Ensign Matson, probably under the influence of that impression?—No, I did not.

4325. Do you recollect, in his presence, on the first Sunday he went in charge of the soldiers, your having made allusion to the Protestants of Ireland in words to this effect, "Boys, the tottering fabric of the heretics is falling around us, while the Catholic religion is rising in glory every day; Ireland was once Catholic, boys, it will, and it shall be Catholic again?"—The word "boys" I did not use. I said, "the tottering fabric of heresy was falling around us, while the Catholic religion was rising in glory," undoubtedly.

4326. On the next Sunday, when that gentleman was on duty, do you recollect words to the following effect having been made use of in the chapel: "Boys, I shall want you to attend here half an hour after mass to inform you of what took place at the petty sessions, saving your presence, last Wednesday?"—Yes.

4327. "We shall follow that up, and see if the police of Ireland are to trample on the people?"—I believe I did. I did not use the word "boys."

4328. After those declarations, did you desire the people, that is to say your flock, not to go near the magistrates; that you had appointed, or would appoint, umpires to decide disputes?—I told the people that their disputes about boundaries and about property might be settled by arbitrators that they might appoint; that they were losing their time, and losing their money, paying for summonses, and going before the magistrates, and that they did not find much satisfaction from it, and that I would suggest to them a plan by which they would settle their disputes through the means of persons who knew their local causes of discontent between each other, and accordingly I called upon them to appoint in each division (I made divisions of the parish) three persons to each division, to settle those disputes, but I told them those were to have nothing to do with violations of the peace, such as ribbonism, or burning of houses, but to decide matters of disputed right regarding boundaries of property, and injuries and trespasses; and as to riots that took place in public-houses, between persons who were drunk, they might easily reconcile them without going to law.

4329. Do you think that those declarations you avow to have made use of in the chapel, and the recommendation you felt yourself warranted in making to the people to appeal to those umpires, were calculated to increase the good feeling between the Protestant and the Roman-catholic people on the one hand, or to increase and encourage that respect which every well-wisher of social order would hope to see established between the people and the magistrates of the country?—I did think it would tend to diminish the want of confidence; generally speaking, the appeal to the magistrates was not satisfactory; and when they settled it as I proposed, the character of the magistrates did not come under their notice at all; it was not putting them in opposition to the magistrates, but withdrawing them from the opposition.

4330. Then you gave that recommendation to your people to uphold their respect to the magistrates?—No, but to have justice attained more easily, and for their own good; putting the magistrates out of consideration, it was for the good of the people; I did not entertain any feeling with regard to the magistrates, but thought the ends of justice would be much better attained by the way I proposed.

4331. Are you not aware that, for the last six or seven years, a system of religious controversy has been introduced into Ireland, and has been carried on mainly by itinerants through different parts of the country, and that the consequence is, that the Catholic priests on the one hand, and the Protestant clergymen on the other, wage a war of preaching from their respective pulpits, which would justify any strong expression that a priest might make use of in his chapel in

Rev. John Barle.

7 July 1832.

favour of the religion he professed?—I am perfectly convinced that the endeavour to proselytize the country by itinerant preachers distributing tracts offensive to morals, openly opposed to the old and known doctrines, not only of the Catholic church, but, as far I know them, the Protestant church, has contributed greatly to irritate the people; and I know that the aid and assistance given by men of property and very high rank to those individuals, have enabled them to cause greater irritation. I have met those itinerant preachers at Kells, and I represented to them in as strong terms as I could, and to the gentlemen of the county of Meath; some of the first respectable Protestant families were present; I represented to them it was waging a war between them and the people, and besought them not to favour those itinerant experimentalists on religious matters, and to give them no encouragement; that they would create an intestine war in the country, ruinous to them and their children. Mr. Daly, of Powerscourt, was the head of that body; we discussed the right of private interpretation, and Mr. Daly promised us a reply; and in his statement he mis-stated the Scripture himself; he misquoted St. Paul, and I called him to order; he said he would not be delayed; I said it deprived any man of character of veracity who mis-stated the word of God; I called upon him for opportunity to reply, and he pulled out his watch, and said it was time for them to go home to dinner.

4332. What do you mean by immoral tracts?—Those immoral tracts were distributed by those who possessed the money of the Kildare-street Education Society; they were printed under the orders, and with the name also, of the Hibernian Bible Society; they were distributed in great numbers in the town and neighbourhood of Athboy; and in order to put a stop it, I called upon the Earl of Darnley, and pointed out where they were improper for children; they stated that priests and monks had kept concubines; I asked them if this is true or false? it is a subject matter to be put into the hands of children to inquire what the nature of the crime is? he said it was not. These tracts misquoted Scripture and misinterpreted them, and were altogether calculated to give the people, if they believed them, the most shocking idea of the catholic priesthood; I produced about 50 of them to Lord Clifton, the present Earl Darnley, and he said they could not be defended; that they were not subjects for children's reading, and his agent swore, upon his soul, they were most abominable; Mr. Disney and Lord Darnley concurred that they were abominable, and asked who distributed them; "If you look at the title page you will find where each was distributed, and where they were taken up." I do not like to follow this matter further, because I do not like to state the names of any individuals concerned.

4333. Do you happen to recollect the titles of any of them?—Yes, one of them was a controversy; it was a satire upon the Catholic religion; it is a conversation between Father Dominus and a peasant.

4334. Are you aware of the fact that the Kildare-street Society, by one of its rules, is pledged to circulate no controversial tracts, and that it has observed that pledge?—I am not aware that it has observed that pledge; I heard of the pledge being given, and I believe it was violated.

4335. Are you aware of the fact that the Hibernian Bible Society circulates no tracts whatever?—They had the patronage of the Hibernian Bible Society, as they stated.

4336. As that society has an express rule against circulating tracts, or tolerating controversy, is it not very improbable that they should have violated that rule?—No, I do not concur in that; because, though they have given those pledges, and established those rules, they would have violated them all.

4337. You say you did not make use of the sentiments stated, that have been read to you?—No, I did not.

4338. Did you ever take any steps to contradict them?—I did not see them.

The Rev. James Delaney, called in; and Examined.

Rev. J. Delaney.

4339. YOU are a Catholic clergyman in the parish of Ballynakill, in the Queen's County?—Yes.

4340. How long have you been in that situation?—The last eight years.

4341. Ballynakill is not a great distance from what is called the Colliery district, in the Queen's County?—Four or five miles.

4342. Are you acquainted with it?—Yes, from intercourse; my parish does not go into the collieries.

4343. Has

4343. Has that district of country, the neighbourhood of Ballynakill, been much disturbed of late?—Very much so lately.

4344. By the Whitefeet association?—Yes; they have latterly assumed that appellation.

4345. At what period did those disturbances commence?—In the year 1827 a public building was undertaken in the parish, and to this building two rambling masons resorted, they came in from Mr. Cosby's estate; although not living there they were occasionally employed in that district; they came to this building, and after they were there ten or twelve days it reached me they were swearing in the people.

4346. What was the building?—Out-offices belonging to Mr. Cooper, who has an estate in the parish. On the succeeding Sunday I explained to the people the nature and evils of illegal combinations; I appealed to their own experience of the horrors that resulted from like associations in 1798, and finally denounced the men by name, and thus succeeded in removing them from the parish; this was in the spring of 1827. It appeared that they infected a good many persons engaged in this building, for in a short time after that a body of men from the colliery, as I am informed, assembled at this building, and paid a visit to one of the neighbouring farmers, forbidding him to dispossess some people under him; to be a good neighbour, meaning thereby that he should not refuse a free passage through his land to a neighbour who claimed it as a matter of right. When I heard this I waited on the local magistrate, who apprised Mr. Foote, the chief of police, and I met them the following morning by appointment at the house so visited; the servants and work-people were examined, and I found it my duty to put some questions to them, which they declined answering until compelled by the magistrate. I think it was in the harvest of mowing, two men, one of them calling himself Captain Rock, paid a visit to Mr. Cooper's workmen, forbidding them to work under a certain rate of wages, and also requiring a better quality of food for the mowers; I apprised the magistrate of this also. We had the steward and workmen summoned; many of the respectable inhabitants of Ballynakill were present at their examinations. I put some very embarrassing questions to the steward, and upon both those occasions the people complained of my conduct, and said I outstepped my duty, and was rather officious. Those were the first two instances of insubordination that occurred in the parish over which I have presided for the last eight years; the persons concerned were not then known as Whitefeet or Blackfeet, but as members of the Ribbon Society.

4347. When did any further instances take place of this sort of proceeding?—We remained pretty quiet for a year and a half afterwards, but I had occasion frequently to appeal to the people not to be employing strangers; one of my chapels is in the neighbourhood of Timahoe, which at that period was very much disturbed, and I found that many of the people of that district resorted to my chapel to swear in the people; and I had (almost every second Sunday that I go there in turn) to caution the farmers not to employ strangers, and was at length under the necessity of forbidding such characters to resort to my chapel. The spirit of combination spread through the surrounding collieries, Wolfe-hill, Newtown, Clough, and that belonging to Lady Ormonde; and after a short time it got into my parish, and a great many outrages were committed in consequence.

4348. What year did that take place in?—This was occurring in 1828 and 1829; it was not extensively established in my parish till about 1830.

4349. In what way did it show itself so extensively?—In serving notices; in enforcing what they conceived to be rights, family settlements, &c.; requiring the surrender of lands that had passed out of the hands of the former occupants some 16 or 17 years before; taking up arms, and beating those obnoxious to them.

4350. Were their measures directed against the Government?—Not in any instance.

4351. Were they directed against the gentlemen?—No, they were matters rather of a personal or domestic nature about which they latterly interfered; but at first this system showed itself in an effort to raise the rate of wages and better the condition of the labourer.

4352. And in all matters in which they felt a personal interest?—Yes, they were mostly personal or family disputes; they were generally of that character.

4353. From 1830, did it continue extending?—Yes, it spread very much; many persons were served with notices to give up lands, arms taken from some, and others beaten to compel them to enter into their associations.

Rev. J. Delany.

2 July 1832.

4354. Did they make any distinction in the religion of the persons attacked?—No; in my parish the population is almost entirely Catholic.

4355. The farmers as well as the lower orders?—Yes, they attacked any man suspected of having arms; they visited them indiscriminately, whether Protestant or Catholic.

4356. What is the present state of your parish, according to the last account?—Before I left home we were fast returning to peace and order; great numbers had come in and renounced their wicked courses; and since my arrival here, I have learned, both by letter and from those gentlemen who have left Ireland at a later period, that outrage has disappeared, that the misguided peasantry are surrendering their arms in great quantities. I myself have received some before I left home, and I have been informed that many more have since been delivered up to my curate.

4357. Do you think that this tranquillity will be permanent?—It will depend in a great degree upon the hopes of amelioration held out to the people.

4358. What are their own feelings about their own condition as to their causes of complaint?—They complain that the con-acre rents are very high, the wages they receive exceedingly low, and totally inadequate to enable them to support their families, and that they cannot obtain employment.

4359. How is the case with regard to rent; are these people the people that hold land; are they the occupiers of land that form these associations?—Latterly there have been a few instances of persons occupying land compelled by the system of terrorism that so generally prevailed to join them; at first they were composed solely of persons alike destitute of property or character; generally speaking, of the lowest grade in society.

4360. That being the case, how could they consider rent a grievance, if they were so low as not to be themselves tenants?—That is one of the objects that they profess to have in view in combining together; viz. in the first instance, to better their own condition, to enforce an advance of wages, and to lower the rents of land generally.

4361. And the tithes?—No.

4362. Are the wages lower than the usual rate in the county, or pretty much the same?—In the last years there has been a great falling off in the rate of wages.

4363. How do you explain that; how does it show itself?—In seasons of scarcity the people are glad to work for their diet.

4364. Do they actually work for their diet?—I have known several in seasons of scarcity; and there have been three or four partial famines since my appointment to the parish of Ballynakill; and I have known them to offer their labour for the food they receive during the day.

4365. Was not that the case formerly?—Not formerly; I have known the labourers within my recollection to receive per day 2 s., or 1 s. 8 d. and diet.

4366. In the harvest time?—Yes.

4367. What is the ordinary rate of wages?—In my district, and in the neighbouring parishes where I have intercourse, 6 d. a day and diet; 8 d. without diet.

4368. That is when employed?—Yes.

4369. A great deal of their time they are not employed?—Seven months out of twelve, perhaps, they are not employed.

4370. Is the population very great?—Yes.

4371. Has it greatly increased?—Yes, our pauper population of late years has greatly increased; the town I live in was once a manufacturing town; so late as 15 or 18 years since, the stuff trade, which even then remained with us, gave full and lucrative employment to 300 looms; each of those afforded employment to at least three persons in preparing the web, and putting it through the usual process; all this has of late disappeared; 70 looms only are now casually employed: thus a number of hands, once so profitably employed, are now thrown upon the town; they are ill-calculated for the labours of the husbandman, and few such wish to employ them. This will account in some degree for the increase of pauperism in our town, and the superabundance of labourers; they are perhaps more numerous than in the neighbouring villages.

4372. There has been a great plenty of provisions this year?—Yes, there has.

4373. You have stated that there is nothing political in these combinations, that they arise chiefly from local causes; can you state any circumstances that have occurred in your neighbourhood, of late years, that might have contributed

to those combinations?—There have a great many causes occurred in neighbouring parishes, and perhaps some in my own. I will state one that occurred in my own parish: there were three families, comprising 23 individuals; the heads of those families were accused of having cut scollops or switches for the purpose of thatching their cabins, or perhaps for sale; there were some ash and oak. The parties so offending were summoned, and a fine of 5 *l.* recorded against them; the landlord gave them the option of going out instant (it was in the depth of winter, in November), forgiving them the arrears due and the fine, or pay the fine, and be served with notice to quit in six months; they chose the first alternative, and went out; their families were scattered over the parish. The next summer, 1830, was one of famine with us; we were obliged to introduce a sort of poor-rate, to keep the people from starving and dying in the ditches; two of those families were thrown upon the parish, and I had to support them myself; there was not so ample a provision for the poor in the district where they lived; they came into the neighbourhood of the town; the people in the town very naturally objected to their being thrown upon their fund, and I had to give them 2*s.* or 3*s.* a week to support them; one of the poor men lost his cow; some time after being turned out, a series of calamities befel him; he took ill, and after lingering a long time in a state of the utmost destitution and misery, died of a broken heart. The sons of this man, together with a son of the second family above mentioned, became leaders in this system of ribbonism, and I have reason to believe were some of the most daring and ferocious amongst them; one of them to this day has held out against all my admonitions, and has not yet surrendered himself.

4374. Did you represent their case to this landlord?—I did.

4375. Who was that individual?—The late Mr. Cooper, of Cooper Hall.

4376. Did he take any steps to relieve them?—He was ill at this time; I went to Maryborough to the assizes to see him; I failed in obtaining an interview; I wrote to him afterwards, and he told the person he would leave directions with the steward on the subject of my letter.

4377. Did any other cases of considerable hardship occur in your neighbourhood?—There was a vast number of persons in the course of the last seven years ejected from the estate of the late Mr. Coshy; some of them came into my parish, and I found them exceedingly troublesome, and disposed to engage in those illegal associations; at length I was under the necessity of speaking to the farmers, and implored them not to encourage such characters, and if possible to prevent their settling on their land, and in truth it was no easy matter, for if they found an outhouse unoccupied they would literally force themselves into it, and keep possession until they could procure shelter elsewhere, or until their participation in some act of outrage, or their attempts to propagate their favourite system, fell under the notice of myself or my assistant, and obliged us in self defence to expel them from the parish. Our conduct in this respect was by them considered very severe and even cruel, and, I have reason to know, brought down on us their bitterest resentment. It was to those persons I alluded in the early part of my evidence, where I stated that I cautioned the farmers not to receive strangers, and forbid them to resort to my chapel.

4378. Were there many families turned out?—In the course of seven years, I have been informed that too families were turned off that one estate.

4379. What are the wages gotten in the collieries?—My parish is not in the colliery.

4380. Can you inform us whether 4*s.* a day is got by the colliers?—I cannot say.

4381. Those individuals must have been the means of spreading it through the country?—Yes; we could lay our hands upon some of them, as being notorious leaders amongst the Whitefeet.

4382. You said respectable farmers had been forced to join them?—I did not make use of the word *respectable*; I said those holding small quantities of land were forced through intimidation to acquiesce in their proceedings.

4383. Do you mean that it was a system of intimidation, and that they would rather not join it if they could help it?—They would not if they could help it.

4384. You have stated that the causes of excitement were from high rent and the want of employment, the men being driven off the estates?—They were some of the causes.

4385. Do you conceive the opposition to tithe forms any part of the system?—

No;

Rev. J. Delargy.

2 July 1832.

No; those illegal associations had been in existence two years before the opposition to tithe manifested itself.

4386. Then are the Committee to understand you do not consider the resistance to tithe an illegal association?—I do not conceive it illegal to oppose the collection of tithes if we look to the means resorted to in such opposition, viz. peaceful, legal, and constitutional means.

4387. You do not conceive that passive resistance to tithe, not allowing property to be sold, can be considered illegal?—No.

4388. You consider it legal?—Yes.

4389. Do you consider that the meeting of thousands, and cautions not to have anything to say to tithe, are legal?—I conceive where a seizure is made, and property put up to sale, that the person whose property is so seized is not obliged to put his hand in his pocket and pay ready money; the law says you shall pay a certain sum, or in default your property will be liable to seizure; the person chooses the latter alternative; I conceive it to be a perfectly legal course; he is not to execute the law upon himself.

4390. Are you aware that the lives and property of persons purchasing goods seized for tithes have been endangered, and that these crowds who go to form passive resistance operates to intimidate purchasers?—It has not occurred in my parish; and I cannot state, nor am I bound to know, the motives of those persons; they may not be actuated by the motives you impute to them.

4391. Do you not think an auction implies a number of persons to be present?—Certainly.

4392. You cannot conceive an auction to go on with two or three persons?—No; the law requires three bidders.

4393. You say employment has fallen off?—Yes.

4394. Do you consider that owing to the state of the country?—I do not; from my intercourse with many of the extensive farmers, I can state it as a positive fact, that owing to the oppressive burdens that have fallen upon them for the last years, namely, the excessive taxes levied for the building of gaols, lunatic asylums, the payment of the constabulary, police chiefs, and stipendiary magistrates, all these falling exclusively on the occupier of the soil, have rendered him unable to employ more than half the number of persons he formerly did.

4395. Do you consider that tithe, as the law now stands, is a legal due?—Yes, so far as the law gives a right.

4396. It gives an undoubted right?—It gives a right to the incumbent.

4397. Do you consider that a passive resistance to the law is legal resistance?—I have already stated my opinion as to the legality of such resistance; the law allows an option to a person in such circumstances either to pay the money demanded, or to suffer the distress to proceed.

4398. Do you consider that a man could pay his tithe without being subjected to personal violence?—When or where?

4399. In the neighbourhood of Ballynakill, from your knowledge of the country generally?—He may have his fears and apprehensions, whether well or ill founded I am not prepared to say.

4400. Do you not consider that the present resistance to the payment of tithe amounts to a regular organized combination to defeat the ends of the law?—No, I conceive that every man acts for himself.

4401. You have heard of a meeting of 5,000 or 10,000 people assembling to superintend sales?—For the purpose of looking on, I have.

4402. Do you imagine that they had any other object but looking on?—I cannot state, nor am I bound to know what their object may be; they, like all crowds or vast assemblages, I would suppose, were actuated more by curiosity than any other motive.

4403. You have not heard of such an object as this avowed, that the meeting was to overawe any man who might have the intention of purchasing what was put up for sale?—There having been no such meeting in my parish, I am not competent to say what may have been the avowed objects of such meetings.

4404. A man who takes a farm, subject to the payment of tithe, and then refuses to pay the tithe, is it not your opinion that that man is guilty of a moral fraud?—If so, he is open to the law, and that will take its course.

4405. Suppose a man is able to adopt such steps as to defeat the operation of the law, is it not your opinion he is guilty of adding to the fraud physical resistance to the power of the law?—I did not catch the exact import of the question.

4406. Your

4406. Your idea is, that where a debt is due the party may pay it or leave it to be recovered by law?—I have so stated.

4407. And if a party declines to pay it, the other party can pursue his remedy?—Certainly.

2 July 1832.

4408. But the tithe question has nothing to say, in your opinion, to the present state of disturbance?—No, it existed long before.

4409. You have stated there has been a good deal of irritation in consequence of the turning out of tenantry; do you not think there is a feeling among the lower classes and small owners of land in that county, that this association of Whitefoot has the effect of deterring landlords from pursuing the system of turning out tenants, and benefiting the estate thereby at the expense of the individuals turned out: can you state any instances where it has so operated?—I think such is the feeling amongst those who have entered into combination; and I have heard that it has had that effect in the neighbouring parish, where, on the termination of a lease, the tenantry were called on to give up the possession; and it was also intimated that the holdings would not be let in the same small divisions as formerly: this spirit of combination was abroad at the time, it is now two years ago; and the people in the district, as I am informed, got connected with the system going forward for the very purpose of preventing those notices being carried into effect; and I have reason to believe that many of the persons so combined have been suffered to remain in their farms.

4410. On what estate is that?—The Marquis of Lansdowne's; the greater number have been suffered to remain in their holdings, and some have gone away.

4411. Was there any proposition made in your part of the country, 12 months ago, to form an armed association to keep watch and ward?—It is not so long since a proposition was made by some of the clergy for that purpose.

4412. What clergy?—The Roman-catholic clergy.

4413. The question refers to an association proposed to be formed in June 1831, when the magistrates came to a resolution to form armed associations; can you inform the Committee whether any steps were taken in your neighbourhood by the magistrates to form those associations?—Notices were posted up by the police to that effect; I had not seen them, nor did I hear of them till a later period; but I recollect on some one of those occasions, when I addressed the misguided and infatuated portion of my people, for the purpose of inducing them to give up any arms they might have unlawfully possessed themselves of (and I had already secured 13 or 14 stand of arms, and banded them over to the magistrate), I recollect being accosted by some of those persons in something like the following terms: "You are very anxious and zealous in your efforts to withdraw from the peasantry some few old useless guns, while there is a yeomanry corps being formed in the next village, and about to be entrusted with arms." I inquired if such was the fact, and I was told that many of the old yeomanry corps had been sworn in; that application had been made to the Government for arms, and that there was not a single Catholic invited to join them. I state this as the feeling and opinion of the people, and I know it was used by some as an argument why they should not give up their arms to me.

4414. Then, in point of fact, the only notice by which you heard of this association, 12 months ago, was that the magistrates proposed to form this in the shape of an exclusive yeomanry corps, which you understood was forming in the town of Abheyleix?—Yes, it was so stated to me.

4415. And you have no reason to doubt it?—Not the least.

4416. Then, in point of fact, no propositions were made to the landowners of the district to form an armed association?—I heard there was a notice posted up by the police, but the people view with distrust any proposition coming through them; but I have reason to believe, had the gentlemen addressed the people in the parishes or in the baronies, they would have come forward most willingly.

4417. You cannot state the name of any respectable farmer in your district who was applied to to form that association?—I cannot.

4418. You think there was an application to form a corps in Abheyleix, which you have given us to understand was the re-establishment of the old corps?—Yes.

4419. Do you not think that that was sufficient to create distrust in the minds of the people in that neighbourhood, supposing a regular plan of forming an armed association had been submitted to them?—Where party distinctions are made, they naturally lead to that distrust.

Rev. J. Delaney.

2 July 1832.

4420. You have stated that at a subsequent period there was a plan to form an armed association; state the period at which that was proposed?—I believe it was about three weeks before the special commission was held in our county, or six weeks since; the county at that period was in such a distracted state, life and property so insecure, that it became a question of life and death; the police and military were unable or did not arrest the outrages that were committed in the noonday, and some of the clergy of the district (there are 12 or 13 catholic clergy comprised in the vicarage) met, and agreed to solicit, through Lord de Vesci, the permission of the Government to form a protecting association among the farmers of every class and creed. We sought and obtained an interview with Lord de Vesci for that purpose; he approved of our proposition. There were two or three queries added on my suggestion. I found there was an objection among some of the respectable farmers to act under the local magistrate, and it was to obviate such objection, and to render it acceptable to the people, that the following query was submitted: "Are the members of such association liable to be called out at any time, and *on any service*, at the option of the magistrates?"

4421. What was Lord de Vesci's answer to you?—We received no answer to it.

4422. Your application was that you were ready to form an association, and you wished to know the terms upon which it was to be formed?—Exactly so.

4423. If you had gone on with that determination, do you think the farmers would have acted, and that it would have had the effect of stopping the progress of the outrage which has since taken place?—The farmers were most anxious for it; they felt themselves without protection, and wished the good and well-disposed of every class to combine to put down outrage, and to give confidence to the peaceable.

4424. Do you think that the delay that has occurred must have had the effect of increasing the dread and terror in which they are?—I know it left the peaceable more open to intimidation.

4425. You have spoken of the distrust of the local magistrates; will you state what you mean by that?—I conceive it arose out of a transaction that occurred about 12 months since, on a Sunday, in the town of Ballynakill. There are two masses in the town chapel: between the hours of first and second mass, while engaged in the vestry in the discharge of my duty, baptizing children, a person came in great haste to say that the magistrate and three of the police were removing some papers that were posted about the town, and that some of the children coming to catechism (I must here observe that there are 700 or 800 children catechized between the masses), were collecting round the magistrate; that it would be desirable were I to order them in to catechism, and thus prevent further noise. I went out immediately, and found the magistrate with those three police just at the chapel door, surrounded by a crowd of children and grown up boys; he was reading something; as I approached him he turned round, and said he was after reading the Riot Act. I said, "In the name of Heaven, has anything occurred to warrant it?" "The police (said he) have been removing from about your place of worship papers which I consider inflammatory (there are two large trees before the chapel gate, to which papers are usually affixed), and they have been hooted and insulted by the people." While he was speaking to me, some boys came up, and the police remarked that those boys obstructed them, or laughed at them, when they were removing the papers in the town. I said to those boys, "Where are you going?" they replied, "To the chapel." I said, "Go in then immediately, or return home, as it is not yet the hour for mass." The crowd continued collecting round us. I faced towards the chapel for the purpose of putting in the people, and while doing so an altercation arose between the police and a boy. The magistrate ordered the police to seize him; the boy made an effort to keep them off; he did not like to be arrested. During this time one of the police was struck; he fell, and on getting up he discharged his piece; at this time there was a great crowd of people coming to second prayers; the police and magistrate retreated to the barrack door, I followed, and was literally obliged to throw myself between them and the exasperated multitude, and to remain at the barrack door for 15 minutes, hiding the pelting that followed; if I had not been there, the probability is that those police and the magistrate would have been immolated on the spot. I remarked, after I had repressed this first burst of violence, to the magistrate, that if he had sent word to me I would have come out immediately, that the papers would have been quietly removed, and the sabbath suffered to pass in peace. He said that he was not accountable to me for

for his conduct; that as he knew the printer's name, and the persons who posted those papers, he knew best what course to pursue; that it was not for him to go into my place of worship, as he might be murdered there. I replied, "I am sorry, Sir, such an expression should have escaped you; we have been till now on the best terms, cordially co-operating for the preservation of the public peace, and when anything has occurred calculated to disturb it, I have always solicited your interference." "You had better go into your place of worship," was the reply. I did so. A meeting of the stipendiary, and five or six of the neighbouring magistrates, was called on the following day. Earl Stanhope's agent happened to be in the country; he called upon me in the morning, and begged me to postpone any duty that would call me from home, in order to attend the meeting, which we imagined was called for the purpose of public investigation; I did so; and Mr. Cramer, and other respectable inhabitants of the town, went to the police barracks, where the magistrates were sitting, and requested to be examined as to the causes that, on the previous day, had nearly deluged the streets with blood, with a view to prevent a similar occurrence; they further stated, that such public inquiry was absolutely necessary to satisfy the ends of justice, and to convince the public that there existed on the part of the magistrates every disposition to inquire into and remove all ground of complaint, and to administer justice impartially between party and party. The reply of the magistrates was, that the meeting was strictly private; and when repeatedly urged by Mr. Cramer to receive the evidence tendered by the respectable inhabitants and their parish priest, as to the causes of the disturbance, they asked him if he came there in the character of public accuser. It is true they acknowledged my services on the previous day, and tendered me a vote of thanks, through the chairman, the Hon. and Rev. Arthur Vesci, but they refused the information tendered, and shut us out from their deliberations. Warrants were issued against seven persons. Some days afterwards, two of those police were looking out for one of these persons, who was not prepared with hail; he happened to see them coming, and ran; they were pretty near him, and called upon him to stand; he did not attend to the challenge; one of them very deliberately took aim, and fired at him, to prevent the necessity of further pursuit. All these things were the subject of a trial at the following assizes. This transaction, together with the circumstances attending it, which I have stated to the Committee with all possible brevity, excited strong feelings of distrust in the integrity of the magistracy, and created that disinclination which I have stated to exist on the part of many of the respectable inhabitants to be placed under their authority.

4426. What were the papers?—They were shown to me afterwards; they contained a caution to the people not to have recourse to violence in their opposition to tithes; not to offer any resistance to the seizure of their property; to suffer the law to take its course, and pointing out a way by which this could be most effectually done.

4427. Because there was a notice pointing out the wisest course to pursue as to tithes, these parties were committed, and one individual fired at in consequence? What was the result of the trial?—The result was, seven persons were convicted, and confined for different periods, three, six, and twelve months; the policeman's conduct was declared to be unjustifiable, and yet, strange to say, he has been continued in his employment ever since, and is now in a neighbouring village.

4428. Who was the magistrate?—Mr. James Horan.

4429. Has he any landed property?—Yes; it is let; his income may be 200*l.* a year.

4430. Has he been long in the commission of the peace?—He came to reside at Ballynakill some years ago, but I believe he was in the commission before that time.

4431. The conclusion the Committee may draw from that is, that this proceeding could have no effect to give confidence in the magistracy, or induce the people to pay the tithe, and that it was an expedient to enforce the payment of tithe?—I should think so.

4432. Did the people think that the magistrates holding the meeting with closed doors was an unjust proceeding?—I have already stated that it excited a great deal of angry feeling and distrust in the public mind; and this impression was still farther confirmed by the refusal given to the repeated applications of Mr. Cramer for public inquiry.

Rev. J. Drimby.

2 July 1832.

4433. You were indebted very greatly to the exertions of Mr. Cramer?—Yes.
4434. Was he the agent of Lord Stanhope?—Yes, and a landowner in the county.
4435. Did you make your report to Lord de Vesci of what you had witnessed?—No; the Honourable Arthur de Vesci, his brother, was present at the meeting.
4436. He was not present at the transaction?—No.
4437. By what authority was the policeman's conduct declared unjustifiable?—The judge noticed it in his charge.
4438. What judge?—Mr. Baron Smyth.
4439. Has a police officer the power to pull down any notice on a chapel door?—Previous to the occurrence alluded to, there was an election going on in the county, and as is usual on such occasions, election squibs got up, placards containing the names of persons voting for the several candidates were circulated by their respective friends throughout the county; some of them were posted up in the town of Ballynakill. It so happened that in a conversation that occurred between me and the magistrate at the time, he noticed those placards, and mentioned his determination to have them removed, as he looked on them as holding up to public odium the gentlemen who voted for a certain candidate; I observed, that in all probability those gentlemen looked upon it as an honour; but that whether honour or disgrace attached to it, it seemed to be pretty equally divided, as there were placards on both sides. Those papers were removed by the police; this was some days previous to the occurrence at the chapel-gate, and the people conceived at the time that the police were not justified in taking down those papers.
4440. You have said that the policeman, to save himself the trouble of pursuit, took a shot at him?—That was the general impression.
4441. That is the opinion you hold?—I say that that was the general impression.
4442. Do you not think such opinions, when circulated in society with the authority of a Roman catholic clergyman, are calculated to produce a strong feeling against the police?—Up to this moment I never stated that such was my opinion, and I now mention it as the opinion of the public.
4443. With regard to the associations to which you have alluded, do you conceive, if the plan suggested by you had been met and acted upon, that there would have been any difficulty in carrying it into effect?—I have stated that the peaceable and industrious of all classes, the respectable farmers, were exceedingly anxious for it, and some of them signified to me their wishes on the subject.
4444. In what way did they propose to have themselves divided into bodies, and who was to have authority over them to guide their proceedings when out on duty?—They proposed to have in each parish or district a certain number of men either sworn in, or without the sanction of an oath, and their duty would be to patrol the country at night, and if the Government chose to give them arms, that they should be lodged in dépôt when not wanting.
4445. Did they propose to act with the police?—Yes, or under the authority of the magistrates, on certain conditions.
4446. Were they to be under persons selected by themselves?—Under either; we sought the co-operation of the magistrates and the police.
4447. Do you think there would be any difficulty in carrying that into effect now?—No, I think not.
4448. Are you aware, or is it a fact, as far as it comes within your knowledge, that the Whiteboy association is exclusively composed of Roman-catholics?—I really cannot say that any Protestants ever applied to be admitted into it; our population is almost exclusively Catholic, and it is generally of that class of persons it is composed.
4449. I speak of the associations over the county; have you ever known of any but Roman-catholics being the members of that illegal society bound together by an oath, as I believe you said they were?—No, I have not said they were.
4450. Are they, or are they not, bound together by an oath?—They are; there is an oath amongst them.
4451. Are you aware of any but Roman-catholics being members of that body?—No.
4452. Are there any Protestants of so low a class in society, or so poor as those who generally compose the Whitefeet?—I cannot speak of the county generally, of my own knowledge; I speak of the district in which I reside, and I say that is that

that district there are not Protestants to be found in so very poor and low and destitute a condition as the class of persons who generally compose those illegal associations.

4453. Have you seen or heard the nature of that oath by which those people are bound together?—The oath, as I understand, varies in different districts; it is a compound of folly and impiety.

4454. Have you heard any portion of that oath that goes to bind the parties to the destruction of heretics or Protestants?—I never heard it, nor do I believe it forms a part of the oath; I got one or two persons to repeat the substance of the oath, and, as I remarked before, it was a compound of impiety and folly.

4455. But you never heard of it being directed against the Protestants, or the establishments of the country?—I induced two persons who came to me for the purpose of renouncing this bond of iniquity, to repeat to me the substance of it; I did so to convince them of its impiety, and no part of it had any such tendency.

4456. Do you think they told you the whole of the oath?—I have no reason to believe that one of them did not; he was rather candid with me, and seemed deeply penetrated with sorrow for his past conduct.

Martis, 3^e die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Henry Sneyth, Esq. called in; and Examined.

4457. YOU are a resident magistrate of the Queen's County?—Yes.

4458. And have been some years?—Yes.

4459. You live in the neighbourhood of Portarlington?—Yes.

4460. What has been the state of that part of the country during the last six months?—The internal state of that part of the country has been, and I fear, notwithstanding partial appearances, is, at present, very awful and very critical.

4461. What circumstances have occurred to induce you to form that opinion?—There appears to be a combination, under the authority of a vague and mysterious person, styled Captain Rock, which interferes in all the transactions of life.

4462. How does it show itself?—If a man takes a bit of ground, if he dismisses a servant or labourer, or employs a tradesman who is obnoxious to Captain Rock, or refuses to obey the mandates of Captain Rock, he receives an anonymous threatening notice; if that notice is not complied with, he receives a visit from Captain Rock, attended by from 10 to 30 or 50 of his people, who either destroy his property or injure his person.

4463. Does the system upon which they act practically amount to a successful resistance of the laws?—Undoubtedly.

4464. To an entire suspension of the enforcement of the laws in attempting to suppress it?—I conceive that the law is not comprehensive enough to put down nocturnal assemblies who are not armed, or at least who do not appear so. As a magistrate I go out with the police, and meet 10 or 2 dozen men going along the roads; they address me with perfect civility; I have reason to believe they are bent on some evil purpose, but I have no power, by the existing law, to interfere with them; at least I know of no law that will enable me to do so, unless they are armed, or commit some overt act of violence.

4465. Those being parties belonging to the confederacy that now exists in your part of the country?—I can entertain no other opinion.

4466. What would you suggest by way of improvement of the laws?—I think there are two modes of tranquillizing the Queen's County; one is a law I should deprecate, the Insurrection Act; I think that a more temporary expedient. In my opinion there might be a law enacted to enable magistrates to compel those people to give an account of themselves; but my favourite plan is, I confess, a defensive association among the well-disposed persons in their respective neighbourhoods. I think our part of the country became first disturbed (no doubt the seeds have been long sown) about October last, and I was anxious for a plan of the sort, thinking, as I do, that prevention is not only easier, but better than cure; but it did not meet the general approbation of persons there; but I have no doubt now if such a plan as I have in my pocket were cordially and generally

Rev. J. Delany.

2 July 1832.

Henry Sneyth, Esq.

3 July 1832.

Henry Sayle, Esq.

3 July 1831.

acted upon by the gentry, and promulgated with kind and encouraging language to the peasantry and farmers, that it would have the best effects.

4467. Do you think there is a more favourable disposition amongst the gentlemen and the farmers to adopt that plan of association, and follow it?—I am inclined to think, notwithstanding the unfortunate interval there is between the farmers and the gentlemen, they would be inclined, many of them, to co-operate in a plan of that sort, and unite themselves with the gentry of the country. I know that the priests and the parents are anxious to restrain the boys and the young men; for it is notorious that it is persons from 16 to 26 who are committing these outrages.

4468. When you say you know it, is it from conversation with persons of credit?—I hold a good deal of conversation with the farmers in my own neighbourhood, and I consult them frequently on the state of the country. I showed my plan to some of them, and they seemed to think it would have been an excellent thing some months ago, but they imagine that the thing may have gone rather too far for it now.

4469. Are they the Catholic farmers you allude to now?—Some Catholics. I showed it to the priest of the parish, and he seemed to approve of it.

4470. Be good enough to let the Committee have your Plan?—I will. I have had it printed.

[The Witness delivered in the following Paper.]

“Defensive Association.—That an association be formed of all persons anxious to preserve peace and good order in their respective neighbourhoods. That all politics be scrupulously excluded. That the association do consist of persons of every religious persuasion, without distinction, and that it be founded on principles purely defensive, its sole object being to resist a common enemy, alike hostile to all those who have either character or property to lose. That in order to effect this, it is proposed that the resident landed proprietors of the county, or the agents of those absent, or some other influential person, should call meetings of the tenantry simultaneously through the county, and propose the plan. That the proprietor or agent of each estate be the nominal chief of those associated on that estate. That where the proprietor or agent reside at a distance, or from any other circumstance are incapable or unfit for the office, that the persons so associated in such district may select their own chief, subject to the approval of the lord-lieutenant of the county; each local association to be placed under the control of the resident magistrates. That every individual so associated do take the oath of allegiance, and bind himself by a solemn pledge to oppose generally any attack on the house, person, or property of his neighbour; also to afford each other mutual aid, (if attacked or threatened,) as the local circumstances may admit. That they will not aid or encourage any suspicious stranger coming into their respective neighbourhoods. That they will assist the police, if called upon by their nominal chief to do so; the duty of assistance being strictly confined to the suppression of the prevailing outrages or violations of the law connected with them. That the farmers should be prevailed upon, if possible, to agree that their houses might be visited at night by this association, accompanied by a magistrate, to ascertain if every member of their family was at home; and the power to visit ale-houses, and other suspected places, should necessarily follow. The association being of a domestic character, and assuming that it enjoys the public confidence, such powers to be exercised in a disturbed district are not likely to be objected to, or in any way abused. That the persons forming the association do publish the desire they generally entertain of seeing the condition of the labouring classes improved, and their determination to consult by every means in their power for the future well-being and support of the honest and industrious, and especially of those who will promptly abandon all illegal confederacies, and yield that obedience to the law upon which the happiness and security of all classes can alone repose. The objects proposed to be attained by this mutual engagement of neighbours to each other are, first, to meet that great moral agent fear, by that still greater moral agent confidence; second, to deter the aggressor, who generally comes from some distance, by showing him that his march must be into an enemy's country, and that he cannot expect forbearance from the neighbours of those attacked, as at present is too often the case, where the system of vague and mysterious intimidation impels them to wink at the aggressor rather than assist the injured. It is expected that this system will create

create a good understanding and reciprocal confidence between man and man, so that every honest and quiet neighbourhood will become a host in itself, and every honest man's house a castle of defence against those who attempt to disturb it."

4471. Do you think it expedient to arm those associations?—"That is a subject upon which I have great doubts; the only way I would arm them would be this: I might have a depot of arms at two or three of the strongest police stations in the county, which, under the direction of a magistrate, might be entrusted to them for the time that they were patrolling or doing duty in that sort of way.

4472. You have said in your plan that you think it advisable there should be visits at night; do you think it necessary to pass a law to enable the magistrates or those parties to pay those visits?—"You must call the farmers and heads of families together, and propose it to them; I think it very probable they would not object to doing it; but, by the existing law, I believe you have no right to enter into a man's domicile without a warrant.

4473. Do you think there would be much objection to these sort of visits when the country was in a state of disturbance?—"I think not; but if there was any penalty attached to it, I should be sorry to have to inflict that penalty. I think a magistrate should be more as a mediator between the severity of the law and the delusion of those people who go out at night; therefore I should feel reluctance to act under the Insurrection Act.

4474. Supposing the penalty was a very moderate one, or the punishment extending to arrest and detention for a certain number of hours?—"I should not see any objection to that; but my idea is, that the individuals of a family being absent, should be called upon to account for their absence at unreasonable hours by some constituted authority.

4475. It is rather a plan to expose their absence, than to show they are parties to the outrages then committing in the district?—"I am supposing that the country was in the same state as it was in the last six winter months, otherwise I would on no account entrench upon the liberties of the subject.

4476. Under those circumstances, you think it necessary to have these visits at night, in order to put a stop to those nocturnal assemblages?—"I am satisfied that the radical evil consists in the assemblage of these parties for the purpose of paying their nocturnal visits, and that they commit acts of barbarity together that they would shudder at individually.

4477. Do you think that they could be checked by those night visits you have described?—"They would, I think, to a certain degree.

4478. And that the farmers would generally approve of that partial infringement of the liberty of the subject under those circumstances?—"It would be very necessary for the gentry of the country to require the concurrence of the clergy to it, both Protestants and Catholics; and if they were to make friends of them, and treat them with the confidence to which I think, from my own knowledge, they are generally entitled, a great deal might be done; but both clergy should be applied to. I am unwilling to make any distinction.

4479. You think, from your knowledge of what is going on in the neighbourhood, you could place confidence in the Roman-catholic priests?—"I speak of the three in my own parish; I place implicit confidence in them.

4480. Have they taken any active part in assisting in putting down this association?—"I know that the parish priest of Killenard has been in the habit constantly of lecturing the people in the strongest terms upon their misconduct.

4481. You are one of the meeting of the magistrates who sanctioned the petition to the House of Commons?—"I was.

4482. You of course agreed in the terms of that petition?—"To a great extent, I did.

4483. You agreed, for example, that the state of Queen's County was such as to require additional legislative measures to meet the system of outrage and murder prevailing in it?—"I did.

4484. You agreed in the sentiment, that severity to the evil-disposed is humanity to the good?—"I did.

4485. Inasmuch as they feel confident that thousands of industrious farmers and peasants would hail with satisfaction the replacing of the Insurrection Act on the statute book?—"Yes, I agree to that, as to the replacing the Act on the statute book.

4486. Is it your opinion that the Insurrection Act, when applied on former occasions, has proved effectual?—"I think it has effected a temporary pacification, but it has made the feeling of the country worse than it was before.

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4487. You

Henry Smyth, Esq.

3 July 1832.

Henry Smyth, Esq.

3 July 1837.

4487. You have stated that the country at present is subject to the authority of a vague and mysterious personage, designated Captain Rock?—Yes.

4488. That is, his authority has, in fact, superseded the functions of the law?—In a great degree among certain classes. I can give strong instances of it.

4489. You think with respect to those classes, the defenceless classes, it has superseded the powers of the constitution?—I think it has, and they have told me so. I have often recommended them to look up to the laws for protection, and they have said that the law of Captain Rock is more powerful; the man who has a slated house is comparatively safe.

4490. Then it is your decided opinion that the law as it stands at present is insufficient to meet the exigencies of the case?—I repeat that I think there ought to be a law to enable magistrates to interfere with nocturnal assemblages; I saw that passage relating to the Insurrection Act in the petition. I did not object to the petition, because it was confined to replacing the Insurrection Act on the statute book; but I object strongly to a part of the Insurrection Act, and I would not feel happy to act under some of its provisions.

4491. You wish such an addition to the present law to be made as should give to you that power of the Insurrection Act without the obnoxious part of it?—Precisely.

4492. You have no doubt that the nocturnal parties are the executive of the Rock code?—As far as a man can be who has not been sworn by them.

4493. It follows as a certain inference from that, that until the law is brought to bear upon nocturnal perambulations of parties you cannot get under the present mischief?—I think not; the first thing is to enforce the law, but I think there are various steps to be subsequently taken for the encouragement of industry and the moral instruction of the people, but the first thing is to put down the nocturnal parties.

4494. And that that spirit cannot be adequately repressed without you get the power of putting down those nocturnal meetings?—Precisely.

4495. It would seem to follow if things are permitted to continue as they are, things will proceed from bad to worse?—I left the country very lately, and I must admit that the special commission, by showing that the laws were enforceable, has temporarily ameliorated it.

4496. Do you think it has had the effect of really subduing the spirit or repressing it?—I should fear merely repressing it.

4497. And that there is a smothered spirit ready to break out when the pressure is taken off?—I think severity only represses.

4498. Is there any particular class of society more exposed to the operation of this Rock code than another?—I shall tell you what I think first introduced it into my neighbourhood, as the immediate cause. During three years there was a work going on that might have been a blessing in the country, but has been a curse. The government, in order to promote industry and improvement, lent a sum of money to the Canal Company, to enable them to communicate from Monastereven to Mount Mellick; and the contractor, in order to complete the work as soon as possible, brought strangers into the country; those people took lodgings, and built huts where they could do so; so long as their labour continued they went on well, but as soon as the extraordinary demand for labour ceased, they had nothing to do, and being in a state of destitution, I have no doubt many of them were driven by desperation to increase the ranks of Captain Rock, and I trace the demoralization in my neighbourhood to that cause; if the contractor had been able to extend his work over three or four years more, and had employed the neighbourhood alone, it would have done good.

4499. Was not he bound to finish it within a certain time?—Yes. There was a man of the name of Walsh, he attacked Mr. Kemiss when going to dinner at Emo Park, about seven o'clock, and that man was one of those canal people; and my tenants, of whom I am proud, have told me that those fellows coming among them had done the young men infinite mischief.

4500. You have paid particular attention to your tenantry?—I cannot say that I have; I have always endeavoured to act justly by them.

4501. Have you looked into their wants, and been desirous of removing as much cause of complaint as you could?—I think of late years, generally speaking, landlords have done the same. I take no particular merit to myself.

4502. What is your opinion of landlords in the Queen's County generally?—There may be exceptions, but I think the immediate tenants of the landlords have

no reason to complain. I do not know any other man's rental than my own, but *Henry Smyth, Esq.*
I think the rents are generally fair.

4503. You would say there was no general cause of discontent connected with the conduct of the proprietary of the Queen's County towards their tenantry?—I know of none; I have heard, what I considered calumnies, as to the inhuman clearance of estates; there has been certainly a process going on in the Queen's County, and I believe in Ireland, which though it may have been done with a great deal of humanity, yet at the same time has worked ill, and made many men adherents of Captain Rock. I allude to the consequences of the Sub-letting Act, and the abolition of the 40 s. freeholders. The original mischief was the creation of these freeholders. The landlords have since endeavoured to regulate their property on a more sound principle, which will ultimately improve the country; but in the meantime I think it probable the ejected may have swelled the ranks of Captain Rock, as I do not know anything more likely to lead a man to desperation than such ejection.

4504. Do you think that these regulations were necessary for the establishment of that degree of respectability that is desirable among the farmers?—Yes, I do; and I think the great thing for Ireland is to raise the farmer higher in the scale of society, to make the distance between the landlord and the farmer less, and the distance between the farmer and the labourer greater; at the same time I should wish to see the rate of wages higher.

4505. You consider it not a grievance in the abstract, but a regulation necessary to the well-being of society in Ireland?—I think it grew out of the former evil; men have read more of political economy, and see the folly of sub-dividing their ground.

4506. You have spoken of a defensive association; do you not think there are insuperable difficulties connected with the formation of such an association arising out of the state of party feeling in Ireland?—I think that is the only difficulty; there are very sad acrimonious feelings arising, not from religion, but from the civil distinctions that have prevailed so long in Ireland; but many Catholics have told me they would join in a thing of that sort, and I have reason to believe that Dr. Doyle is anxious for something of the kind.

4507. Did you hear of an attempt made by Mr. Conner, at Maryborough, to get up an association of that description which has been stated; do you not think it would rather facilitate your plan, the Catholic clergy acquiescing in it?—My plan is only in contemplation; if next winter is as bad as last winter was, without some plan of that sort I do not think the poor people would sleep safe in their beds; there is a great panic about me in the country.

4508. It would be part of the object of such an association to assist in preserving the peace?—The sole object.

4509. And assisting to enforce the law upon delinquents of every character?—No; I should wish solely to apply it to the Rookite system, and to those nocturnal depredations arising out of it. I consider every man bound, as a citizen, to maintain the laws as much as he can.

4510. Has not Captain Rock taken the regulation of tithe under his management?—I have seen notices not to pay tithe signed by Captain Rock.

4511. Do you not imagine that Roman-catholics would have an objection to have anything to do in the enforcement of the payment of tithe?—Yes; and for that reason I have excluded everything from my plan except offences connected with the breach of the peace, termed Whiteboyism.

4512. Breaches of the peace may arise out of the payment of tithe, and being an offence against the Rock code, it would be visited with Rock punishment?—No doubt; but I trust it will be unnecessary by October next to have anything to say to that; for I should say, if the present Government prorogued parliament without settling the tithe question, they would be accessories to the disturbances in Ireland.

4513. Is it your opinion the objection to the payment of tithe is an objection founded upon it regarding it as a tax upon crop or upon property, or an objection to the establishment that demands it?—I think in some persons it is an objection to one, in some to the other, and in some to both.

4514. What was the general interpretation put upon the declaration of the Secretary for Ireland, that tithes were extinct?—I never heard it argued; but the people in Ireland do consider generally that the tithes are extinct.

4515. Do you think that the peasantry, with their present notions of the extinction of tithes, would consent to pay it to the landlord in the shape of a rent-charge?—

Henry Smyth, Esq.
 3 July 1831.

charge?—I think the payers would be glad to keep a few shillings in their pockets; I think they might object.

4516. Do you not think there would be an objection to that?—The objection to anything in the shape of tithes is insuperable in Ireland.

4517. If they could constitute a machinery sufficiently powerful to resist it in the shape of rent, they would do it just as much then as in the present form?—I do not know that; it depends upon circumstances.

4518. Do you think your rent would be as secure, and that you would receive it as satisfactorily if tithes were mixed up with it?—I should not like to have tithes mixed up with my rent; and in that case I certainly would not mix it up with my rent; I would take the payment of that rent-charge upon myself, and set my hand to the tenants accordingly.

4519. Do you think that the present machinery of the combinations that have been formed are likely to be applied to other purposes; for instance, rent?—I do not think they will be applied to rent.

4520. Do you think that the church cess will be objected to?—I think it will.

4521. County cess?—There is a strong feeling in the Queen's County against paying the police, and I should not wonder, if they could calculate the fraction payable for that purpose, that they would object to it.

4522. Do you not think they are gradually approaching it?—If Captain Rock is not put down, Ireland will become a scene of wild confusion; but I do not think it is a part of the plan of the tithe opposers to carry it beyond tithes, nor have I any idea of their objecting to the payment of rent.

4523. Do you not think that the opposers of tithe are the same as the Whitefeet and Blackfeet?—Certainly not; I think the Whitefeet may, and do, avail themselves of that as a fulcrum to work their lever upon; but there are hundreds of thousands of people in Ireland who object to the payment of tithe not Whitefeet.

4524. Referring back to the petition in question that Captain Gordon has alluded to, it is stated that in all instances the Insurrection Act had produced a talismanic influence on the well-being of the districts to which it had been applied; and further, that the Peace Preservation Act was quite insufficient to meet the present state of the country; you having signed that resolution four months ago, are you of that opinion now?—I would not wish for the Insurrection Act to be enforced, although I do think it did produce a talismanic effect; but it left rankling wounds behind, and made the last state of the country worse than the first.

4525. You stated you would not wish to act under the Insurrection Act, how could you, having that impression, sign a resolution to the House of Commons, recommending the adoption of it?—I recommended the replacing the Insurrection Act on the statute book, and there is a distinction between the two; but I said, objectionable even as it was, I would prefer it to the Peace Preservation Act, or to Captain Rock; I think the Peace Preservation Act a particularly bad Act.

4526. It is in force in part of the Queen's County?—It is.

4527. There is no petition against it?—There is not; but I never did sign my name to a petition for the Peace Preservation Act; and when I attended the meeting of the magistrates at Maryborough, convened to consider the expedience of appointing a stipendiary magistrate for the county, I stated my opinion that such a person was not required in the barony of Portashinch, which was the only barony I was competent to give an opinion upon; but I should defer my opinion on the other baronies to those who were acquainted with them. I opposed the appointment as to Portashinch, but the whole county was included.

4528. You are opposed to the Peace Preservation Act?—Yes.

4529. In the general, and in particulars?—Yes; I think it negatory to increase the police if you do not give them the power of interfering with nocturnal assemblies. I do not wish to see the poor farmers, who are well-disposed in general, heavily taxed; the Peace Preservation Act grinds them to powder, in my opinion, and has continued longer than it ought; now the Insurrection Act would probably be continued a very short time; Captain Rock would not be able to withstand it; whereas the Peace Preservation Act is a slow and expensive mode of proceeding.

4530. In another paper there is a resolution of the magistrates of Queen's County, held at Maryborough in June 1831, your name is not to it, but it contains a resolution embracing exactly the plan you have this day submitted to the Committee, namely, an armed association for that county. I will read the resolution, and ask a question upon it. "Resolved, that for the purpose of protecting the innocent of every description, and bringing the guilty to punishment, according

to the laws of their country, as also for the purpose of co-operating with all existing institutions designed for the maintenance of public tranquillity, a volunteer armed association be formed, under the sanction of Government, to be composed of good subjects of all denominations belonging to the county." With every word of that, as a landholder of the Queen's County, I fully concur, and I wish to ask you if you can inform the Committee whether any steps have been taken since June 1831, to form such an association, by applications to individuals to compose that body, or whether there has not?—Mr. Adam, in my neighbourhood, called a meeting of his tenants and neighbours for that purpose, and to the best of my recollection Mr. Robert Cassidy threw cold water upon it, and it was not entered into; it failed at that time. In the barony of Portmahinch the seeds were sown no doubt, but I rather think there had been no overt acts of violence.

4531. Can you state the date at which the meeting was held when that indifference was manifested by Mr. Cassidy?—About seven or eight months ago, I think.

4532. Was it numerously attended?—Not so numerously as I expected; I do not think above 30 people attended.

4533. Do you think they would have come forward at that time if it had not been for Mr. Cassidy's presence?—I cannot say.

4534. Was he present?—Yes.

4535. And spoke?—Yes.

4536. Was it a public meeting?—Yes, but confined to his neighbours and tenants; not one of my tenants attended; to the best of my recollection nothing was said about arms.

4537. It has been been stated in the House of Lords last night that the Catholics have declined coming forward to join the associations; could you extend your evidence, and say, from your knowledge of the county, whether that was true or false?—I think there are Catholics in my neighbourhood who would come forward and join such an association as I have stated; I have consulted Catholics upon that subject, and they have expressed their approbation of it; one man in particular said there was nothing he should object to but the landlord or the agent being the nominal chief, for they might not be proper people; and I pointed out that I had made a provision in my plan that in the event of their being insufficient they might select others.

4538. You would think then that that statement could not be true that went in an unqualified manner to assert that the Catholics had declined to come forward to join in the preservation of the peace of the county?—Not, I think, in my part of the country.

4539. You have alluded to the moral improvement of the country; do you embrace in your ideas any plan of an assessment for the relief or employment of the poor of Ireland, or of that county, or have you turned your attention to that subject?—I think it is a very serious subject, and requires great consideration.

4540. When you alluded to the moral improvement of the country, did you allude to any system similar to the poor laws in England?—I should prefer teaching the poor of Ireland to trust to their own exertions rather than have any poor rate. There are millions of acres of land that are waste in Ireland that might be cultivated, and we should improve the country by a system of that sort much more than by any system of poor laws; anything in the nature of the English system I should deprecate.

4541. Could you state whether any other steps were taken by the magistrates of the county in consequence of the resolution taken, signed by 38 individuals; did they make any applications, or any attempt by generally calling their tenantry together, similar to Mr. Adair?—I believe that the attempt was made at Ballykilkerran.

4542. Did they call together, generally, the landholders, or did they confine that call to a particular class?—I think they confined it to the higher class of farmers.

4543. You are not aware whether there was anything of an exclusive religious principle acting upon it?—Certainly not; at Mr. Adair's the majority present were Catholics.

4544. Do you not think 12 months ago if the landed proprietors of the Queen's County had been called on by the magistrates by personal application, and they had come forward and called upon their tenantry, do you not think that the influence of a landlord over his tenantry, over men generally in debt to him, would have had the effect of compelling those individuals to coincide in it?—Yes, if he had the concurrence of the clergy; but I think that is necessary.

Henry Smith, Esq.

3 July 1832.

4545. Do you mean the Roman-catholic clergy?—I mean both; the great majority of the people are Roman-catholics.

4546. Do you not think that if to this resolution another had been attached, stating the mode in which this body was to act, confining its acting to the mere patrolling of the roads and preventing outrages, that that association, exclusive of any attempt to enforce the law, would have been successful, and might have averted all the evil consequences that have since followed?—I am convinced it would have been much more likely to be so, and I guarded against that in my project. If I had extended it to enforcing the law generally, it might be considered to apply to enforcing tithe and church cess, and those two expedients would be fatal to any plan.

4547. The reason I put that question is, because it was part of your plan, very wisely introduced, that the association should patrol the road and keep the peace, and leave the authorities to enforce the law?—My idea is to repel Captain Rock; he is our enemy.

4548. Was there any application made subsequently to this meeting of the magistrates by what is called the other party, the working party, and the priesthood, to Lord De Vesci, to form an association upon the principle proposed, and to which no answer has been made by the lord-lieutenant of the county; can you inform the Committee whether you know anything of the particulars of that application?—I know such an application was made at the last assizes, or subsequent to the last assizes; but I think it highly improbable that he should not have answered it.

4549. If he has not answered it, you think it would have been better, and have given confidence to the people if he had so done?—I think he must have answered it; my opinion is that he did certainly.

4550. You stated what has caused many of those outrages?—In my immediate neighbourhood; but there are numerous old causes.

4551. Is it your opinion in the Queen's County there is anything political, or opposed to the Government of the country, embraced in the object of those marauders, or is it merely local causes that are acting?—There are great predisposing causes common to all countries; but there are local causes also, not connected with politics.

4552. You have said that Parliament should not prorogue without a settlement of the tithe question; have you any settled opinion as to what that settlement should be, under the existing circumstances?—I could give you an address I published to my tenantry upon the subject.

4553. You were at the Maryborough commission?—I was.

4554. You were appointed trier of the jury?—Yes.

4555. Will you be good enough to state to the Committee what appeared to you to be the general circumstances connected with the making up of that panel, as bearing upon the charge against the sub-sheriff?—We had two issues to try; first, whether the panel was the panel of the high-sheriff or sub-sheriff, or of any third person: we found, upon our oaths, that it was the sub-sheriff's panel. The other issue was, whether the panel had been corruptly or partially arrayed, and we found, on our oaths, that it had not.

4556. There were but few Catholics upon the panel?—I think there were fewer Catholics than usual upon the juries, but I think it might be accounted for without any partiality; *ceteris paribus*, I am always glad to see a Roman-catholic on juries; but the property in the Queen's County has not undergone the change that it has in other counties, and therefore so long as the property is Protestant (if property is the criterion) you must have a greater number of Protestants at the head of the list of jurors; and I believe, from the circumstances of the times, a greater number of men of fortune attended than usual; for that reason there might have been more Protestants; and the other reason is, that on ordinary occasions at the assizes there are two juries working simultaneously together, one in the criminal and the other in the civil court, whereas at a special commission there is only one.

4557. Was there a smaller number of Catholics returned by the sheriff than usual?—The sub-sheriff swore that he made no difference.

4558. You are not able to judge upon the subject?—No; it struck me there were more Protestants on the juries than were usually employed; but for my own part I do not think that religion had anything to do with it; I am a Protestant in church, and I do not wish to distinguish myself afterwards.

4559. Do

Henry Smyth, Esq.

3 July 1831.

4559. Do you know that a great many persons, Protestants, respectable farmers, exerted themselves, and applied not to be put upon the panel as jurors?—The only two persons who appeared to have received any indulgence of that sort upon this occasion were, one, a Roman-catholic gentleman, Mr. Cassidy, and another, a Mr. Dunn of Ballynahone, whose religion I do not know; the sub-sheriff was asked why Mr. Robert Cassidy's name was not one; he said, I can explain that: I succeeded Mr. Lewis, Mr. Cassidy's brother-in-law, as sub-sheriff; he had omitted him, and I thought it an act of courtesy not to act contrary to what he had done; now I could not conceive there was anything corrupt in that. The other was Mr. Dunn, and he wrote a note to the sub-sheriff, stating he had been in the habit of giving a guinea to every sub-sheriff to be left off the panel, and the sub-sheriff wrote to him, "you are an old friend of mine, I will not subpoena you, and you may turn your horse out to grass;" he thought that was an ambiguous expression, whether he was to turn out his own horse or Mr. Dunn's; and he said that he meant that he was not to trouble himself by coming to Maryborough.

4560. The question refers to the impression abroad in the Queen's County, that many of the respectable farmers were anxious not to be put forward as jurymen, and that they had requested persons to take means to be relieved from that duty, which was a duty dangerous, as they conceived?—That did not appear in evidence before us, and I do not know anything about it.

4561. You are speaking of the special commission?—Yes.

4562. Are you able to say whether or not, in the common opinion and feeling of the country, that the crimes to be tried at that special commission had any reference to religion or religious party feeling?—The fact is, that in my neighbourhood the Rockite outrages that had been committed had almost all of them been necessarily committed upon Protestants, because they are the persons who have had arms, and have generally experienced on that and other accounts a good deal of persecution. I believe it was a desire to get arms, and not particularly on account of their religion, that they attacked them. If a Roman-catholic had arms, not being an adherent of Captain Rock, he would be very anxious to get those arms into his hands.

4563. If the general feeling of the country was that the crimes were not connected with any religious feelings, the sheriff could have no interest in returning more Protestants than Catholics?—I should think not, but that is a matter of opinion.

4564. Did it come within your knowledge what the Ribbonman's oath was?—I have seen what purported to be the Whitefeet oath.

4565. Are you aware that it contains an obligation on the part of the Whitefeet of pointed hostility towards all Protestants?—The one I saw did, and against all dukes, earls, marquesses, counts, and land-jobbers.

4566. Do you consider that the Protestants of the middle class, and the labourers, and the farmers, feel themselves particularly in a state of insecurity in consequence of that oath?—I do not know that they do in consequence of that oath, but there has been a great panic among the Protestants on my estate; I believe I have been the means of preventing several of them emigrating to America; what the cause of that panic is I do not know, except that being yeomen, and having arms, they have been in several instances attacked and stripped of their arms.

4567. Have they ever stated to you their own apprehensions?—They are eternally complaining of the insecurity of person and property, arising from Captain Rock; and I have no doubt there are many Catholics in the same plight.

4568. Are you aware of the fact, that the body of the Whitefeet bound together by this illegal oath are exclusively Roman-catholics?—I am not aware of it, but I believe it to be so; I am not aware of the Protestants being implicated.

4569. The emigration from among the Protestants in Queen's County has been extensive in proportion to their numbers?—I do not know that; but I think unless something more is done for the security of the country, that many more of the respectable people will emigrate.

4570. Is there among the farmers a feeling of discontent at the partiality in granting grand jury presentments?—There may be.

4571. Among the workmen who work for presentments, how are they paid; is there any dissatisfaction upon that subject?—I have heard strong objections made

Henry Smyth, Esq.

3 July 1832.

to paying them in kind formerly, but I have not heard of it of late, and I believe that that practice does not prevail now as it used to do.

4572. Do the people who get the presentments pay the men as the work goes on, or get credit from them, and pay them at the end?—Some do, and others do not.

4573. Do you think that the system of immediate payment should be adopted?—Yes; but there may be a hardship in having to advance the money.

4574. How far do you conceive a system of poor-rates would tend to employ the people put out of their lands, when you say that increasing the farms makes the tenants more comfortable; would you have a system of deportation, or what would you suggest where there is such a constantly increasing population as in Ireland?—I would prefer a system of deportation in Ireland itself; that is to say, where there was an estate of 5,000 acres, and 500 of reclaimable land, I should be glad to see a fund for reclaiming it, and the land set in farms of 25 or 30 acres to people who had capital; and by that means you would relieve the old land of the superfluous people upon it, and create a yeomanry in Ireland both on the old and new land.

4575. You are aware there are constant vagrants passing through the country, and who can give no account of themselves, or give false accounts; would you suggest to this Committee, for the benefit of Ireland, any alteration in the law on the subject of vagrants, or persons apprehended going through the country disseminating illegal sentiments?—I should think it an excellent plan to get rid of them, and send them to Nova Scotia.

4576. You are aware there is not ground enough to detain them in custody; would you suggest anything to be done with those people, or any alteration in the law to remedy that evil?—I think a summary process of deportation would be the best thing, both for them and the public; but it is a very questionable matter what you could do with them afterwards, for you can hardly punish them as criminals.

4577. Is it your opinion that the farmers and landholders are generally well-disposed in the county, and are obliged to submit to the sentences and to the dictation of Captain Rock from a feeling of apprehension?—I think they generally were so at the commencement of the business, but now many wink at it from intimidation.

4578. But do you think that the majority of the landholders and farmers are well-disposed or not?—I think generally the farmers are anxious to keep the country quiet.

4579. What is your opinion of the present state of the police in that country, and what alteration would you suggest in it towards promoting the peace of the country?—The police is an excellent force, and I often wonder how the laws were carried into effect before its establishment. In times like these it may, I fear, be necessary to have the aid of stipendiaries, but I should much prefer having the permanent administration of justice carried on by gentlemen who are more especially interested in the preservation of the peace of the country.

4580. You are not prepared to suggest any alteration?—No; I have heard it suggested that there should be one permanent stipendiary magistrate in each county, as the head of all the police.

4581. Has not the Queen's County been, until within these few years, one of the most peaceable and well-conducted counties in Ireland?—I always considered it such.

4582. Subsequent to the establishment of the police, were there not several cases came on in Maryborough of loss of life, in the case of Mr. M'Donoghough, who shot a man at Athy, and at Ballynakill, where seven men were killed, and another at Vickers Town, and several others; and did not these excite a great deal of hostility to the police?—I recollect the facts of M'Donoghough's and the Ballynakill cases perfectly.

4583. How many years ago did this occur?—About the year 1823; I was high sheriff at the time.

4584. Did those cases occur from any wanton aggression on the part of the police, or from aggression on the part of the people against the police?—M'Donoghough's was a case not connected with the police; he was an unfortunate trespasser out shooting, and shot two men. The other case was a very unlucky one; it was in consequence of a misapprehension of the law by the magistrates, who directed the police to remove persons from public-houses on fair days before
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the hour that they were legally allowed to do so; these unfortunate policemen attempted to do it, and they were resisted in the execution of what they supposed to be their duty; but homicide ensued, and, being trespassers, they were found guilty of manslaughter, and transported for life; but it was entirely owing to the misapprehension of the magistrates that they offended.

4585. It was not from any wanton aggression of the police?—No; I think that the police are an admirable body of men, and that they are placed in greater difficulties than it is possible to conceive; and there are none but Irishmen who could surmount them.

4586. Do you conceive that the feeling excited by the conduct of the police enters into the causes of the present disturbances?—No, I do not think it does.

4587. The country was perfectly quiet after their appointment?—Yes, it was.

The Reverend *James Delaney*, called in; and farther Examined.

4588. HAVE you anything further to communicate to the Committee on the subject of the Queen's County?—I have given every information connected with the questions put to me; if the Committee conceive that defective, or that anything arising out of the answers given requires explanation, I am prepared to afford any further information in my power.

4589. Have you nothing to suggest?—My suggestions were not asked.

4590. You said in your last evidence that you were informed that there was a force sworn in at the sessions some months back, and that the people conceived this to be a party force, and that it had a bad effect on the minds of the people in inducing them not to place confidence in the magistrates?—I stated, in consequence of the meeting of the magistrates at Maryborough upon the 10th of June 1831, that certain notices were affixed about the country, stating that one of their objects was to form a protecting association; those men were assembled and sworn in at the petty sessions, and it created a disinclination on the part of those engaged in illegal association to surrender their arms.

4591. Were those men exclusively of one party?—I made it my business to inquire of the respectable people in the neighbourhood, and they told me they had not heard of a single instance in which application was made to the Catholics; and there were many Protestants, as I heard, who declined acting with those who were of the lower grade of Protestants.

4592. It was stated to you that they were the lower grade of Protestants sworn in to form this association; did you believe it?—I had no reason to disbelieve it.

4593. Could you state to the Committee the period at which this swearing in of those individuals took place, according to the best of your information?—March twelvemonths, I believe.

4594. Is it true, as has been stated, that the Catholics of the Queen's County declined forming part of those associations when applied to by the magistrates and the gentry, and hence to them is to be attributed the disturbed state of the country, and the mischievous consequences that have ensued; do you know of any instances in which they declined to join when application was made?—I have already stated that no application was made to them to my knowledge.

4595. If no application was made, any person who stated that they would not join would have stated what was not the fact?—Undoubtedly.

4596. Do you know it of your own knowledge; could Catholics have been applied to without your knowledge?—Such applications may have been made in other districts, and not come to my knowledge.

4597. Are there any individuals who could have better knowledge of proceedings of that kind than the Roman-catholic priest, who is not absent, but a constant resident in the parish of Ballynakill?—I should think not; I must here observe that a portion of Lord De Vesce's estate comes into my parish, and that it is very improbable that applications of the nature just mentioned could be made without reaching me.

4598. Did you know of any application having been made to your Catholic parishioners?—I have made inquiries, and I could not discover a single instance of such application.

4599. Have the Roman-catholic tenantry evinced any willingness to form themselves into those associations?—I have stated, that when crime and outrage arrived at such a formidable height, they have themselves applied to me for that purpose.

Rev.
James Delany.
3 July 1832.

4600. When was it?—About three months ago.

4601. Was that when the priests came forward to recommend it?—In this instance the priests were merely the organs of the public sentiment; it was chiefly at their suggestion I came forward; I speak of my own parish.

4602. In fact, the system of intimidation had been carried so far, and so little attention shown by the resident authorities, that the individuals being in danger of their lives, urged all their priests to apply to the lord-lieutenant of the county to be permitted to form themselves into those associations?—That was the state of public feeling at the time, so far as I could collect it.

4603. No answer was made?—None that I have heard of.

4604. Do the Whitefeet, and others engaged in mal-practices, generally absent themselves from chapel?—They do not.

4605. Have you not particular facilities, as a Roman-catholic clergyman, of discovering their practices in your parish?—We have a general knowledge of them, which we receive from our intercourse with the people; any other knowledge we are not at liberty to use.

4606. You allude to the confessional?—Yes; I conceived the question to have reference to that.

4607. You make a distinction between the ordinary knowledge you derive from your intercourse with the people and what you receive in your official character?—A very wide distinction indeed; of what we receive in the latter character we know nothing.

4608. Assuming a case, in which you receive information of an intended murder, the question I have to put upon that is, would you feel yourself at liberty to take any steps to frustrate the intention of the murderer otherwise than by your advice?—Yes; in such cases I have taken the most decided steps, and have prevented a great deal of outrage on personal property by my interference. It is a matter of notoriety that the perpetrators of crime generally come from a distance. When information of such intended crime comes to my knowledge from my intercourse with the people, I lose no time in writing to the parish priest in whose district the agents reside, and by our mutual co-operation and interference have in most cases frustrated their intentions.

4609. In the information you derive in your character as a clergyman in confession, wherever it be of a nature leading to murder, you feel yourself only authorized to exert yourself through another clergyman to prevent it, but you cannot in that case divulge to save life?—The answer given refers only to a case where our knowledge is derived from intercourse with the people, for I have just mentioned that we cannot make any use whatsoever of the knowledge derived from confession, that we know nothing of what passes there; and hence, I suppose, the question is asked with an unaffected and sincere desire to be informed as to the doctrine and practice of the Catholic church in such cases.

4610. Certainly, and if you consider there is anything offensive in it, I beg you not to answer it?—I will go more than half way to meet such a spirit of inquiry. When a sinner presents himself at the tribunal of penance, he is supposed to come prepared to comply with all the essential conditions of that sacrament; one of those dispositions is a willingness to repair as soon and as far as possible any injury done by him to his neighbour in his person, property, or character, and to prevent by every means in his power such injury following from any cause or provocation he may have given; this disposition being supposed, he will not fail to communicate to the priest out of confession, or to a third person (if necessary), such information as will be required for that purpose; if he refuse doing so he is unworthy to receive any sacrament; it only remains to the confessor to urge upon him every consideration, human and divine, to deter him from the commission of the intended crime; but he cannot, to save another's life or his own, take any further step in consequence of the knowledge so received.

4611. They state it in the presence of a third person, so that that third person is authorized to prevent the commission of the crime?—They state it to the priest out of confession, or to a third person, should his interference be necessary.

4612. So that you go so far that you do prevent the perpetration of crime?—In many, many instances.

4613. Do you feel yourself justified in refusing the rites of the church to those who persevere in the Rockite system?—They are rendered unworthy of sacraments by the very fact of joining in illegal associations, or by affording shelter, protection, or

or encouragement to those engaged in them; hence we can feel no hesitation in withholding them.

4614. Should you feel yourself authorized to do so?—Perfectly so. I hold in my hand a pastoral lately issued by Dr. Doyle, which will at once put the Committee in full possession of our doctrine and practice on this subject, and so far prevent the necessity of further inquiry.

[*The same was delivered in, and is as follows:*]

“ Carlow, May 5, 1832.

“ Reverend Sir,—The following admonitions and regulations are to be read by you or your curate on two successive Sundays to each of the congregations assembled at divine service in your parish, should you know that the illegal combinations to which they refer exist therein, or should you apprehend that any portion of your flock is exposed to the danger of being seduced into such combinations. It appears to me that you should exhort and assist, by every means in your power, the owners of property, and the well-disposed of every class of your parishioners, to unite in their own defence, to form themselves, in concert with the constituted authorities, into armed associations for the protection of person and property, to patrol the country by day and by night, whilst necessary, to detect and apprehend, or to terrify into better habits the evil-doers, who could then safely be dismissed from the employment should they fail in the duties they owe to God and to their employers. Such union of the good and virtuous, combined with those commissioned to execute the law, if generally adopted, if founded on sobriety, on the great principles of obedience to whomsoever is placed in authority, on a firm determination to support the laws and to protect persons and property, could not fail to preserve or to re-establish order, and to suppress every unlawful combination.

“ I remain, reverend dear Sir, your faithful humble servant,

“ *James Doyle, D. D., Bishop, &c. &c.*”

“ To the Clergy and People whom it concerns within the Dioceses of Kildare and Leighlin.

“ For several months past we have witnessed, with the deepest affliction of spirit, the progress of illegal combinations, under the barbarous designation of Whitefeet and Blackfeet, within certain portions of these dioceses; we have laboured, by letter and by word, by private admonition and by public reproof, proceeding from ourselves and from our clergy, to arrest and to suppress this iniquity; but the tares which the enemy of man has in the night-time sown in the field of the church have grown up in despite of our watchfulness; murders, blasphemies, perjuries, rash swearing, robberies, assaults on persons and property, the usurpation of the powers of the State, and of the rights of the peaceable and well-disposed, are multiplied and every day perpetrated, at the instigation of the devil, by the wicked and deluded men engaged in those confederacies. We as yet have borne with them, and, anxious to imitate the patience and long-suffering of God, who spares sinners with a view to their repentance, we bear them as yet, and hesitate to cut them off by excommunication from the church, and give them over to Satan; but whilst we thus forbear to exercise the power which is given to us, and to inflict the punishment which these men by their obstinacy have deserved, we are anxious to make known to them, and to all the faithful, the detestation in which their crimes are held by Almighty God, the avenger of iniquity, and by his holy church. Desirous, moreover, of protecting the sacred mysteries of religion from the abuse of profanation by those workers of iniquity, without however closing against them the doors of repentance, we prescribe and enjoin to all concerned the following regulations; viz. Every priest commissioned to hear confessions within these dioceses shall, under pain of privation of his faculties, inquire of each person suspected by him of being in any way attached to, or connected by oath, with any illegal confederacy, on such person approaching the tribunal of penance, whether he is, or has been at any time within the present year, connected therewith; and if then or afterwards he is found to be so, then such confessor shall make known to him, that by his belonging, whether willingly or against his will, to that confederacy, he has rendered himself an accomplice in all its crimes; that his confession cannot be received until he will have renounced, in the presence of his companions in crime, or in such place and in such manner as cannot be concealed from them, all connexion with them; until he will restore, or cause to be restored, to the rightful owners, all arms or money, or other property

Rev.
James Delaney.
3 July 1835.

perty not lawfully obtained, which he may have in his possession or under his control; until he will have compensated to the last farthing, or repaid to the utmost of his ability all and every loss or injury caused or done to the rights, property, life, health, or industry of any person, by himself or his confederates. He is further to be told, that he is bound to fulfil the above obligations at the expense of all his worldly goods which he now has, or may hereafter acquire, at the expense also of his feelings and character, and at the risk, if necessary, even of his life. If he promises to accept those conditions, to begin immediately to fulfil them, he is further to be informed, that he shall, on each Sunday, for one whole year, perform within some chapel the stations of the holy cross, in commemoration of the passion and death of our blessed Redeemer, whom by his apostasy from all good he has crucified again to himself and made a mockery of; or in the place of the stations of the holy cross, to read or to hear read in some chapel, on bended knees, the seven penitential psalms, with the litanies and prayers annexed thereto. Finally, that having faithfully complied with the obligations of justice first above recited, and fulfilled with exactness the prescribed penance, but not otherwise, he can be admitted at the expiration of one year, unless this period should be shortened, on account of his extraordinary sorrow, by the tribunal of penance; that confessing his injustice against himself, the Lord, through the ministry of the priesthood, may take away the impiety of his sin. If any person or persons, whether connected or not connected by oath with those confederacies, should, through the agency of the Whitefeet or Blackfeet, or such like combinator, or on account of the terror infused by them, be put into the possession of lands, or houses, or money, or goods of any kind, such person or persons so benefited by unlawful means and in an unlawful manner cannot be admitted to partake of any sacrament until they and each of them will have relinquished the possession of such lands, houses, money, or goods, or otherwise fully restored them, or the value of them, to the person or persons to whom the same belonged at the time of such interposition of the Whitefeet or Blackfeet. The faithful are further to be instructed, that whoever assists, encourages, aids, or abets the Whitefeet, Blackfeet, &c., by command, advice, or consent, by praise or flattery, by affording to them refuge or hiding-places, or by receiving the arms or goods plundered by them, by giving to them information, or by withholding information against them when required by the lawful authorities to give the same, becomes an accomplice in their guilt, and a partner in their crimes.

"To the Rev. T. D."

4615. Have you any suggestions to make?—In the absence of constant and permanent employment for our labouring poor, which in a great degree can be created only by a resident gentry, I conceive it to be a duty incumbent on the Legislature to give to Ireland a poor rate in some shape or other; and I am as firmly persuaded as I am of my existence that thus only will you prevent those outbreakings of insubordination and outrage, which discontent and recklessness, acting on a mass of wretchedness and poverty, (such as is to be found in no other country in the world) never fail to produce.

4616. Do you include the able-bodied or infirm only?—In seasons of scarcity and famine (which in our country are matters of course) I look upon the able-bodied man who travels about in quest of employment, and cannot find it, to be as great an object of charity, and as well entitled to support, as the aged or infirm pauper.

4617. Are your views on that question the same as Dr. Doyle's?—Precisely.

The Rev. *Michael Keogh*, called in; and Examined.

Rev.
Michael Keogh.

4618. YOU are the Roman-catholic clergyman of Abbeyleix?—Yes.

4619. How many years have you been so?—Eight years I have been parish priest, and 16 years living in the parish.

4620. Has that part of the country been much disturbed of late?—Yes.

4621. By the association called Whitefeet?—Yes.

4622. Has there been any change in the state of the county since the commission?—Yes; they are getting more quiet; the disturbances seem to be subsiding.

4623. Have the people given up arms?—They have delivered up some to me, and I have given them to Lord De Vesci.

4624. How many?—Since the commission I gave him two stand of arms, and before that more.

4625. How

Rev.
Michael Krogh.
2 July 1838.

4625. How many altogether?—I believe I sent him eight stand of arms altogether.

4626. Of what description?—Guns and pistols and a blunderbuss.

4627. Were they in a serviceable state?—No, they were not; they were of no use whatever.

4628. None of them?—None, except a pistol, which was in very good order.

4629. Are there many arms in the hands of the common people now?—I do not think there are.

4630. Were they arms that could be traced to the persons that they had been taken from?—Yes; I knew the houses they had been taken from.

4631. What distance of time was there from the taking of the arms to their being returned to you?—The first arms were taken more than a year before, and the last not more than a month.

4632. Were they in good order when they were first taken?—No, I believe not.

4633. What opportunity had you of knowing the state they were in when taken?—I had no opportunity of knowing; the last arms I got were not more than a month taken, and they were in a very bad state.

4634. What opportunity had you of knowing they were in a bad state when taken?—From their being in a bad state when returned to me.

4635. Do you know they were in a bad state when taken, of your own knowledge?—No, I do not know it.

4636. To what do you attribute the commencement of these outrages?—The poverty of the people, and a great many having been ejected from their lands.

4637. State the particulars of the ejectments?—On Mr. Cosby's estate there were a great many ejected; I have made inquiries of late into the matter, and from all the information I could collect, I found there were 174 families ejected.

4638. How many, upon an average, were there in each family?—I do not know the number; on Mr. Cassan's estate there were a great many ejected; and Mr. Johnston ejected 34 families.

4639. Were there any other cases?—Dr. Dooxay, middle landlord in Ballyrone, ejected a few families, and they became very disorderly people. Mr. Roe also ejected others, and they turned out very bad; and many others whom I do not immediately recollect.

4640. Was Mr. Roe like Dr. Dooxay a middle-man?—Yes.

4641. Were those persons ejected during the term of their leases, or at the expiration of the term of their leases?—They were ejected principally at the expiration of their leases.

4642. What was the date of those several ejectments; when was Mr. Cosby's?—Mr. Cosby's was since the year 1814.

4643. When was the last ejectment upon that estate?—About six years ago.

4644. When were Mr. Cassan's ejectments?—I think about five years ago.

4645. When were Mr. Johnston's ejectments?—I think about the same period, or later.

4646. When were Dr. Dooxay's ejectments?—Some of them almost at the same time.

4647. When were Mr. Roe's?—I cannot immediately recollect that; but I know the circumstance occurred.

4648. Were they later than the others?—Yes, they were.

4649. As to all the others, the latest was six years ago?—Yes, or from four to six.

4650. Do you know whether those persons so ejected remain still in the country?—A great many of them do.

4651. Where did they put themselves?—A great many crowded into Ballyrone, which is a village on the decline, and they got lodgings cheaper there; they flocked there and into the neighbouring villages.

4652. Was it at Ballyrone the disturbances began?—No, it was not.

4653. Where did they begin?—They first began at Ballinacloy, near Timahoe, on Mr. Cosby's estate.

4654. Subsequent to the ejectment of those people?—Yes.

4655. Those people were scattered through different parts of the county, carrying with them discontent wherever they went?—Yes; and they but too well succeeded in their objects.

Rev.
Michael Keogh.
3 July 1892.

4656. Do you conceive that is the cause, in a great degree, of the disturbance that has since taken place?—Yes, I am convinced of it.

4657. You say the disturbances first occurred upon Mr. Cosby's estate, and that it was subsequent to the ejection of the persons he parted with?—Yes.

4658. How could the disturbances be identified with those persons after they had left the estate?—Many of them remained about the neighbourhood; part of my parish runs down near a chapel on his estate; to this chapel some of my people resorted, and I had reason to fear that from such intercourse they would catch this spirit of combination; on inquiry, I found 36 were sworn in, of the lowest description; I succeeded after four or five Sundays in bringing them to Lord DeVesci, and prevailed upon them to make a solemn promise never again to be connected with illegal associations. About this period Mr. Wyse happened to pass through the country; I induced him to address the people of Ballyroose, on a Sunday, after mass, and to point out the evils that invariably resulted from outrage and insubordination, thus showing them that clergy and laity were alike opposed to their proceedings.

4659. Did you discover the 36 persons you alluded to belonged to Mr. Cosby's estate?—No, I did not; some resided on other estates.

4660. Could you trace it to the influence of the ejected persons?—It was one of them that swore in the greater part of my people.

4661. Have you seen the oath?—No, I have not; they have no written oath amongst them.

4662. But they are regularly sworn?—Yes, generally.

4663. And you believe that is the bond of their union?—Yes; together with their common sufferings and privations.

4664. And that they are obliged to set up to the terms of that oath?—They considered so at first; latterly, in consequence of our instructions, they have not.

4665. What are the objects for which they combine?—I do not know the particular object they have in the oath; I have never seen it.

4666. You have stated you found out this combination; what did you believe to be the object of the combination?—To obtain better wages, to lower the rent of land generally, and prevent others taking the land from which they were ejected.

4667. Were those the whole objects?—Yes, the principal objects; they also intruded themselves into the settlement of private differences.

4668. Was there anything about tithe?—I never heard that there was.

4669. Was there any part of the oath levelled against the Protestants? No; I heard of that at Maryborough, but I never believed it.

4670. How did those people who were ejected maintain themselves afterwards?—Very poorly indeed; they threw themselves into the towns, and lived there strolling about and trying to get work.

4671. Do you know whether any of them got new takes in the county afterwards?—I think not.

4672. Do you think many of them came to England in search of employment during the harvest?—Perhaps they did.

4673. Have any of them gone to America?—I believe so; I think Mr. Cosby sent some of them to America.

4674. You have mentioned Mr. Johnston; you mean Sir Edward Welsh?—Yes; he or some of the family.

4675. You say he ejected 34 families?—Yes.

4676. Did you ever hear that he forgave arrears to those people, and gave them money besides to enable them to get other places?—I never did; and I know in some instances at Ballyroose there are some of the families ejected by him in the most wretched state, paupers going from door to door.

4677. If you had heard it stated by an agent of the family that he had given them money, should you believe it?—Yes; if I heard it from a gentleman.

4678. But you know there are some there in great distress?—Yes; which does not show they got money.

4679. To what do you attribute the ejection of those people on Mr. Johnston's estate?—The poor women in general told me it was because they would not let the children go to the Kildare-street school.

4680. Do you believe that to be the case?—I do; I am perfectly satisfied of it.

4681. Do you know whether the part of the property from which they were ejected forms part of the domain now?—I do not know.

4682. All

Rev.
Michael Knefl.
3 July 1832.

4682. All your knowledge is from hearsay?—Yes, in this particular; I seldom go to Stradbally, and am not acquainted with the localities.

4683. Do you know any other proprietor in the county besides Mr. Cosby, Mr. Johnston and Mr. Cassan who have made ejectments of tenants?—I do not know particularly.

4684. It could not have happened without your knowing it?—Yes, it might; but I do not know of any others.

4685. Is it the habit in the Queen's County to refuse letting small portions of land to poor people?—Yes, it is.

4686. How long has that habit been exercised?—I think since the Sub-letting Act was introduced.

4687. Is it your opinion that any of the disturbance is attributable to that cause, from the want of power in the poor man to obtain small portions of land?—Yes, I am of that opinion.

4688. Is it not rather to be attributed to their being placed under the necessity of looking for land?—Certainly; if they had land they need not seek for it.

4689. Have you known of any persons having small portions of land being engaged in these conspiracies?—Yes, I have.

4690. Have they held land to a large amount?—No; a good many have been forced into it by intimidation.

4691. Did they take the first opportunity of retiring from the association?—Yes, in private; but they were afraid to do so in public.

4692. You think it is a system of intimidation that compels those who are now Whitefeet to continue so?—Yes; I think it is so with many of them.

4693. Then it is your opinion that if the Government were to take measures to afford sufficient protection, that many of those, who are now ostensibly Whitefeet, would be glad of an opportunity of returning to peaceable habits?—I am sure they would; I know them to be anxious to do so.

4694. Do you not think there is a good deal of policy in it, and that many of them join the association in order to deter landlords from turning people out of their farms?—Yes, I think so, in many cases.

4695. So that they have a personal object in allowing it to go on?—Yes; that was the opinion I formed.

4696. There is nothing political in these associations?—I do not think there is.

4697. It has been stated elsewhere that applications had been made to form associations in Queen's County in the course of the last year, and that the Catholics had refused to join; can you state any particular instances in your neighbourhood where any applications had been made, and the Catholics had refused to join?—I do not know of any applications having been made.

4698. Then you say, as the parish priest of Abbeylisle, you do not know of any applications having been made to Catholics in the last 12 months to form such associations?—I do not know of any.

4699. Do you know of any proceedings taken at Abbeylisle to form an association of another description, and where individuals were sworn in to form that body?—I believe there was something of that kind about 12 months ago.

4700. What was the nature of it?—It was a yeomanry corps.

4701. Was it to be an exclusive corps, or a corps composed of the respectable land-owners of a particular creed and a particular class of men?—I have not heard of any land-owners being enrolled in it.

4702. The opinion was that it was to be a yeomanry corps only?—Yes.

4703. Do you think that that proceeding had the effect of diminishing the confidence of the people in that district in the magistracy?—I believe it has had that effect.

4704. Is there any want of confidence between the magistracy and the people in that district?—I do not think there is at present; I think the people have every confidence in Lord De Vesci and his brother, who generally attend at petty sessions; they are perfectly satisfied with any decision they give.

4705. Who were the magistrates at the sessions when those troops were intended to be raised?—Lord De Vesci and Mr. Croker.

4706. Have any of the magistrates in that neighbourhood joined in any particular societies or clubs?—Yes, some have; but they were not of my immediate neighbourhood.

4707. Brunswick clubs?—Yes.

4708. Are

Rev.
Michael Keogh.
3 July 1832.

4708. Are they all members of those clubs?—Not all of them; some in the upper part of the county (say Borris-in-Ossory) have joined them.

4709. Do you think that belonging to those clubs has tended to diminish the confidence of the people in the magistrates?—Yes, I think so.

4710. Was not that corps you have spoken of proposed to be raised at the time the Irish Government held forth a general scheme to revive the yeomanry in Ireland?—It was.

4711. It was not a plan originating in or belonging to any individual?—No, I think not.

4712. It was part of a general scheme of government?—Yes, it was, as I understood.

4713. Did that corps get arms?—No.

4714. Were they formed into a corps?—No, I do not think they were.

4715. Then how can you say they were of that exclusive character?—No Roman-catholics were in it; I did not hear of any in it.

4716. Were they formed into a corps?—They were called in and sworn; they were never reviewed, or anything of that kind done.

4717. Or clothed or armed?—No.

4718. Can you tell the Committee what has led to the present opposition to tithes, which has taken place subsequently to the local disturbances in the county?—I think at the time of the new reformation it was introduced; the people were greatly excited at the insults offered to their religion and clergy.

4719. You think that originated the opposition to tithe?—I think it did; and it was quite natural it should.

4720. Did you ever hear of a pastoral of Dr. Doyle, in which he directed the people to let their hatred of tithe be as lasting as their love of justice?—I did; he concluded with that prayer.

4721. Do you think that had anything to do in leading to any encouragement to the opposition to tithe?—Yes, I do; it had a powerful effect.

4722. Do you think there is any one circumstance that has come to your knowledge, that has had such an effect as that declaration of Dr. Doyle?—I think they were determined before that declaration came forward at all not to pay tithe, but that fixed their determination.

4723. You do not attribute to that letter of Dr. Doyle the extensive conspiracy against tithe that exists now in that part of Ireland?—No, not entirely.

4724. Do you attribute it to that to a great extent?—In a great measure it had that effect.

4725. Do you think that a pastoral of Dr. Doyle calling upon the people to pay tithe, and pointing out to them the legality of the right to tithes, would have the effect of inducing them to pay tithe?—I do not think it would.

4726. You think that Dr. Doyle has the power to induce the people to do wrong, but that he has not the power to bring them back again?—I deny the assumption; I do not think that that follows.

4727. You do not consider that it was a wrong act in Dr. Doyle to encourage the people under his spiritual influence to oppose the law of the land?—I do not think he made use of any exertions to induce them to oppose the law of the land.

4728. Do you not consider that his pointing their hostility to the payment of a legal and just demand is encouraging them to act contrary to law?—He did not desire them to do so.

4729. Did he or did he not state to them, that their hatred to tithe ought to be as lasting as their love of justice?—Yes, he did; but the law was open to the individual that had the right to receive tithe, and no man was bound to come forward and give money in the payment of tithe; the property was there, and he might have had recourse to it by law.

4730. Do you remember such an expression as this in a letter from Dr. Doyle, that they were to use all their wit and ingenuity in opposition to that odious impost called tithe?—Yes, I recollect that.

4731. Do you not think that such advice, offered by a clergyman of Dr. Doyle's influence, is very likely to be obeyed by those of his own persuasion?—Yes, I think so.

4732. Therefore the peasantry of Ireland, those in Dr. Doyle's diocese particularly, are very likely at this moment to act upon his instructions?—Yes, certainly.

4733. And

Rev.
Michael Keogh.

3 July 1832.

4733. And that therefore they may be expected to use all their wit and ingenuity in resisting the payment of tithes. Do you consider that tithes are a legal due?—Yes; as the law stands they are.

4734. Therefore considering tithes as a legal due, as the law stands, it comes to this, that advice to resist the payment of those tithes is advice to break the law?—I do not think he advised them to resist the payment of tithes; I have not seen where he has done so.

4735. The question that was put to you before, to which you assented, amounts to a recommendation to the peasantry to resist the payment of tithe?—I think quite the contrary; he desired them in all cases never to violate the law.

4736. Are there two species of resistance in your view, active resistance and passive resistance; is that the distinction?—Yes.

4737. And all that was meant by Dr. Doyle's resistance was passive resistance?—Not to violate the law, but to let those who had any claim come and take away the property.

4738. Do you not think that acting upon that system has had the effect of putting an end to tithe?—Tithes have not been paid, that is true, at all events.

4739. Do you think they ever will be paid?—I am sure they never will.

4740. Do you think they will ever be paid in any shape?—No, I think not.

4741. Do you think if the Treasury were to pay the income of the clergymen, and a new tax was devised as a substitute for tithe to enable the Treasury to pay the clergymen, that that would be opposed?—Yes; the people would see through it.

4742. In the same way by passive resistance?—I do not know the way they would proceed against it.

4743. You think there is so determined a spirit of resistance that the people would not pay any tithe?—It would be only changing the name and continuing the grievance.

4744. Do you think if the tithe were differently appropriated that there would be any resistance to it?—No.

4745. In what way would you appropriate the fund raised by tithe to make it palatable to the people?—To give the poor the portion to which they are justly entitled.

4746. That is a poor-rate?—Yes; restoring to the poor what the clergy have usurped.

4747. You are in favour of a poor-rate?—Yes, I am, in that way particularly.

4748. Is that the general feeling in your neighbourhood?—It is.

4749. What portion do you think the poor are entitled to?—One-third.

4750. How would you dispose of the other two-thirds?—I do not know.

4751. Have not the people made up their minds upon that?—I do not know that they have.

4752. You would not leave the Protestant clergyman without anything?—No; the present incumbents, or those who may hereafter have any clerical duty to discharge.

4753. Do you think it right that each Protestant clergyman should continue to receive what he now receives for his life?—Yes; I think that is very fair when the sum is not immoderate.

4754. But to make the change referrible to the new incumbent?—I have not made up my mind upon that.

4755. Should you have any objection to a slice of it yourself?—I would not accept of it.

4756. Do they pay any tithe about you?—I believe some people do.

4757. Do not all the Protestants about Abbeyleix pay tithe?—Yes.

4758. Do any of the Ruman-catholics pay it?—Yes, I believe they do; in some instances I have heard they did.

4759. Is there any considerable number of Roman-catholics who, for the sake of the peace and tranquillity of the country, are anxious to pay their tithes, and who would pay them if not under intimidation?—I have very few respectable Roman-catholics in my neighbourhood, but I am sure they were never prevented by intimidation paying tithe, if intimidation by the Whitefeet is meant; their objects were not directed to the non-payment of tithe.

4760. It is not your opinion that persons paying tithe were liable to personal injury, or in their property?—I never knew any one of them injured.

4761. Is the parish of Abbeyleix under composition?—Yes, it is.

4762. Do

Rev.
Michael Knight.
3 July 1832.

4762. Do you believe that it is as difficult to collect the tithe under the composition as under the old law?—Yes; there is a general feeling against it under every modification.

4763. What is the amount of the composition?—Two shillings is the highest.

4764. When you say there are no respectable Catholics in your neighbourhood, you mean rich people?—Yes; I adopted the term generally used.

4765. There are respectable Roman-catholics there?—No, not many respectable people; Abbeylisle is a new town.

4766. By respectable you mean wealthy?—Yes; that is the general acceptation of the word.

4767. You were asked whether Dr. Doyle's letter had not indisposed people to pay tithe; did not the opposition to tithe exist long before Dr. Doyle got possession of his present see?—No doubt it did in some degree; there was at all times a dislike to the payment of tithes.

4768. Did not that letter of Dr. Doyle help to blow the coal into a flame, and set the opposition going?—It must have had considerable effect upon the people.

4769. Has not Dr. Doyle established, since he has been bishop of the diocese, schools throughout the parishes?—Yes, a great many; he has established them throughout his diocese.

4770. And libraries?—He has.

4771. Do they read the Bible in those schools?—They read extracts.

4772. They have not the whole Bible?—No.

4773. Are those schools well attended?—Yes, very well throughout all the parishes.

4774. Were not a number of schools in connexion with the Kildare-street Society in existence before those schools were established by Dr. Doyle?—Yes.

4775. Did Dr. Doyle countenance them?—No, he did not.

4776. Did the Roman-catholic clergy give any countenance to those schools?—No.

4777. If you were to see Dr. Doyle's correspondence in the archives of the society, and that of at least eight or ten of his priests deriving assistance from the society, should you believe that those schools were conducted with their countenance?—I would if I saw the correspondence.

4778. Is the New Testament read in the schools established by Dr. Doyle?—Yes.

4779. The whole of it?—Yes.

4780. The Kildare-street Society commenced by a distinct pledge of not interfering with religion?—Yes, they did.

4781. And for a time there was no unwillingness to send children to the school?—There was not.

4782. Has any alteration taken place in the laws of the society?—I do not know as to the laws.

4783. In their practice has there been any alterations?—Yes, a very great departure from their original professions.

4784. In what respect?—Attempting to proselytise the children.

4785. In what way?—I do not exactly know all the means adopted by them; there was one school of that kind in my neighbourhood, and I insisted upon the parents withdrawing the children from it.

4786. Upon what ground?—Because they insisted upon their reading the Bible without note or comment, and introduced tracts containing passages opposed to Catholic tenets.

4787. Was that Lord De Vesci's school?—No; he had no connexion with it.

4788. Was not that the rule of the society from the beginning?—I believe not, at least they did not act upon it.

4789. Did you derive aid from that society?—Never.

4790. Your objection was to their reading the Bible without note or comment?—Yes; and the teachers used to interfere with the children, to which I also objected.

4791. In what way have they interfered?—To proselytise them.

4792. What is the name of the school?—Napton.

4793. Did they proselytise any?—No; they failed.

4794. Have you any school in your parish?—Yes, in Ballyrone, one of my parishes, but not in Abbeylisle.

4795. Have you the Testament read in your school?—Yes. The roof of my chapel

Rev.
Michael Keogh.
3 July 1835.

chapel fell in twice at Abbeyleix, which kept me in an embarrassed state, and I have not been able to get a school there yet.

4796. Are Lord De Vesce's schools well attended?—I believe they are.

4797. Do the peasantry and farmers labour under very heavy payments in your parish?—Yes; and they are very poor.

4798. Are the rents heavy?—Yes.

4799. Do you consider the tithes heavy; what the clergyman is entitled to?—The highest charge was 2 s. an acre.

4800. Is the local taxation very great?—Yes, very heavy.

4801. Do they complain of those assessments?—Yes; they complain that the money levied by the grand jury is not properly applied.

4802. In addition to those payments, there is another that they are obliged to make to yourself?—Yes.

4803. Of course you have never heard any complaint of the amount of the payment to the Roman-catholic priesthood?—Some of them may complain a little at the moment, but I do not think there is any complaint against the clergy of a serious nature regarding their demands.

4804. Should you have any objection to state the emoluments you have received from your parish?—No, I have not any objection; myself and my curate receive about 170 l. a year.

4805. Have you a curate?—Yes.

4806. The payment to both amounts to 170 l. a year?—Yes.

4807. It arises from the usual fees upon burials, marriages, and the customary donations?—Yes.

4808. There are two parishes?—Yes.

4809. Is the collective amount of the two 170 l.?—Yes, the average.

4810. Are the boundaries of those two parishes the same as the parishes of the established church?—Not at all; they run quite different.

4811. They are very populous?—Yes, very.

4812. What do you suppose would be the amount of the tithe paid to the clergyman of the Established Church over that district?—I do not know.

4813. Would it be more than 170 l.?—Yes, more than 500 l.

4814. Taking it at 2 s. an acre?—Yes.

4815. That is the highest?—Yes.

4816. What is the lowest?—One shilling.

4817. It is compounded?—Yes, it is.

4818. Who are the Protestant clergymen there?—Mr. Burrows and Mr. Vesey.

4819. Do the parish find you with a residence?—They do not.

4820. You receive nothing but 170 l.?—That is about the amount in money; but they send us oats for our horses.

4821. Do you think the Roman-catholic clergy would object to receiving payment from the Government of the country?—I think that they would; I am convinced they will never accept of it.

4822. You stated that a good deal of dissatisfaction existed among the people in consequence of being obliged to quit the farms at the time that the Sub-letting Act passed?—Yes; that was subsequent to 1827.

4823. In your opinion does the Sub-letting Act add to the power that the landlords have of clearing their estates?—Not latterly; but some of them took advantage of it at the commencement.

4824. Would you have every man kept upon an estate having once got there, whatever his character might be, and whether he paid his rent or not?—Certainly not.

4825. In case he is a bad tenant, should you consider you were equally bound to leave him there as a good tenant?—Certainly not.

4826. There must be persons occasionally turned off?—Certainly, bad tenants and improper characters.

4827. Is not one of the effects of the Sub-letting Act, and that of which the people most complain, that it renders it very difficult to other landlords to take in tenants turned out from adjoining estates?—There are very few who can get farms now.

4828. A party taking a farm cannot sub-let, by a particular provision of the law, without the leave of the landlord; and he cannot introduce any of those ejected tenants from other estates, which makes the condition of those parties more desperate than it otherwise would be?—That is the fact.

Rev.
Michael Keogh.

3 July 1830.

4829. There is nothing to prevent the landlord sub-dividing his land?—No, I believe not.

4830. Or letting his tenant sub-let?—I believe not.

4831. If the Sub-letting Act had not passed, is there not now an indisposition to sub-divide land to small tenants, which would contribute very much to increase the difficulty that now prevails of getting a small portion of land?—I believe there is at present; since the 40 s. freeholders were thrown overboard landlords do not feel an interest in sub-dividing lands.

4832. Was not the sub-letting and the value of land promoted by the high prices that prevailed for many years?—Yes.

4833. Have not the middle-men found that they cannot go on in that practice of taking in poor tenants without the chance of being paid rent?—Yes, I believe they have.

4834. What do you call a high rent about Abbeyleix?—I think 2 £ is very high.

4835. What is the average?—Thirty shillings.

4836. Are you sure it is so high in those two parishes?—In Ballyroan it is; in Abbeyleix it is not so much.

4837. Is there much grass land?—It is chiefly grass land.

4838. Is your parish chiefly an agricultural parish?—No, it is not.

4839. Are there any manufactures?—Yes; two.

4840. What are they?—The one is a cotton, the other a woollen.

4841. Is your parish very populous?—It is.

4842. Are marriages very early amongst them?—Not very early.

4843. Supposing a man to have no trade by which he can maintain himself, how many acres do you suppose in Ireland could maintain a man in ordinary comfort?—Not less than ten of such land as that of my neighbourhood.

4844. And pay rent?—Yes.

4845. How much rent would he pay?—A pound an acre.

4846. Is the ground very good which you value at a pound an acre?—Not very good; part of the parish is very good, and part not.

4847. You think a pound an acre a fair rent?—Yes; for land of good quality.

4848. Is there any employment for the people in the collieries; was not there some employment set on foot by Mr. Berraningham?—Yes.

4849. What was the nature of it?—They were out of employment at the time he came, and he introduced some system among them; they did not approve of it at first, but afterwards they got very well pleased with it, and he left them on very good terms.

4850. Lord De Vesci is the chief landed proprietor in your parish?—Yes.

4851. He is a resident proprietor?—Yes.

4852. Does he employ many people?—Yes, almost the entire population of the neighbourhood.

4853. In consequence of that, are the people quiet and less disposed to turbulence than in the surrounding districts?—They are generally quiet, and not so ready to engage in illegal associations.

4854. Do you attribute that to the good example of Lord De Vesci as a resident landlord?—I do, and to the employment given by him.

4855. Have the people in that neighbourhood confidence in Lord De Vesci?—Yes, every confidence.

4856. If they have disputes among themselves about their fields and things of that kind, do they apply to him as an arbitrator?—Yes, they do.

4857. Have you confidence in him?—Indeed I have.

4858. Do you find him ready to attend to your suggestions?—I do.

4859. You look upon him as a very excellent landlord, whose example is worthy of imitation?—Yes, indeed I do.

4860. Has there been any interference in your parish as to schools?—No; I was never able to establish a school at Abbeyleix, owing to the causes I have already stated.

4861. Have you any objection to the system pursued in Lord De Vesci's school?—Yes; and if I had a school of my own there I should not consent to the children going to that school.

4862. You do not approve of the principle of Lord De Vesci's school?—I do not.

4863. What objection do you make to it?—It is almost upon the same plan as the Kildare-street schools.

4864. Then

4864. Then in substance you do not agree to Lord De Vesci's principle?—By no means.

4865. Who are the great absentee landed proprietors in your neighbourhood?—I believe there are not any; Lord Norbury has a large property there.

4866. Do you not think that any effort made by the large landed proprietor in that country will be ineffectual, unless he has the co-operation of those who are the large absentee proprietors?—No doubt it must be so, in consequence of so much of the soil belonging to absentees.

4867. Do you not think they ought to come forward at this emergency with their presence in the county?—Yes, I think they ought.

4868. There are some very large absentee proprietors in the county?—Yes, there are.

Mercurii, 4^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Edward Rotherham, Esq. called in; and Examined.

4869. IN what part of Ireland do you live?—In the county of Meath, on the borders of Westmeath and Cavan.

4870. You are a magistrate of the county?—I am.

4871. You are in the habit of attending petty sessions?—At Oldcastle.

4872. Are those petty sessions well attended?—In general.

4873. Can you state to the Committee what is the state of the country as to disturbance at present; is it peaceable or otherwise?—The country is at present peaceable, but I think it is very discontented.

4874. Do you think there exists any combination amongst the lower orders against the higher?—I have not a doubt of it.

4875. Of what nature do you think that combination is?—It appears to be a combination of poverty against wealth, if I may so express it.

4876. Are the poor in that neighbourhood in a very distressed state?—Many are.

4877. Have there been many persons dispossessed of land, either by ejection or the termination of their leases?—By the termination of their leases; I have myself dispossessed some.

4878. To any great amount?—No, I should say not.

4879. Do you consider that the combination of the people you speak of has increased since that event?—I am perfectly satisfied it has increased latterly.

4880. Do you consider that the circumstance, generally speaking, of ejecting tenants leads in a great degree to a spirit of combination and subsequent disturbance?—I do not feel I am competent to give an opinion upon that.

4881. What becomes in general of the persons so ejected?—Those that left my property mostly settled on the neighbouring properties.

4882. Do they obtain a space in the neighbouring properties upon fair terms?—I think they stand nearly the same as they should have done with me if they had remained; but I do not mean to say that they stand the same that they did.

4883. How are the poor in your neighbourhood in regard to employment?—At certain seasons of the year they are very much in want of employment, and at others they have a fair share of it.

4884. What is the usual rate of wages?—I would say 8*d.*, the average of the year.

4885. Without diet?—Decidedly.

4886. Are there many resident gentry in your neighbourhood?—Very few.

4887. Has there been any decided outrage or outbreak among the people, or any violation of the law that could be considered as Ribbonism or Whitefeet combination?—Not in my immediate neighbourhood.

4888. Anywhere to your knowledge?—The nearest point that there was any disturbance to me was Castle Pollard.

4889. Was that disturbance connected with the affair of the police, or connected with any questions arising out of the land?—One out of land, and another relative to the police.

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Rev.
Michael Keogh.
3 July 1832.

Edward Rotherham,
Esq.
4 July 1832.

Edward Redharn,
Esq.

4 July 1832.

4890. Be so good as to state them?—One was relative to the Duke of Buckingham's property.

4891. State what occurred?—I was not at it; I only know it from hearsay.

4892. Are you aware that upon a common near Kells, a number of persons came and took possession of that common, divided it, and began to build houses upon it?—I have heard that they did.

4893. Do you know whether they remained in possession?—Certainly they did not.

4894. Can you state how they were dispossessed of it, and whether any disturbance occurred in consequence?—I am far from that neighbourhood; not being on the spot, I cannot pretend to say exactly.

4895. Do you consider that the combinations to which you have referred have anything political or religious in them?—My idea is, that there is a little of both.

4896. Will you explain upon what that idea is founded?—In my neighbourhood, until within the last three years, the higher and lower classes were on the best terms possible; within the last three years I think there is a very great reverse, and a great deal of that I attribute to the change of the Roman-catholic clergy.

4897. Do you consider the Roman-catholic clergy encourage, in any degree, those combinations?—I would say that some have the appearance of it, others the reverse.

4898. Has the resistance to tithe, which is now very general, extended into your neighbourhood?—Not when I left.

4899. Are tithes paid there?—They are.

4900. Generally?—Yes.

4901. It has been stated that you yourself had refused to pay tithe, and that Mr. Naper also had refused to pay tithe; is that true?—So I have learnt since I came here.

4902. Is it true?—Certainly not.

4903. Are you yourself a tithe proprietor?—I am.

4904. Do you receive your tithe?—I do.

4905. Is the parish under composition?—Part is and part not; it is a union of parishes; it is in the parish in which it was alleged the refusal to pay tithe took place.

4906. Do you receive them equally well in both parts?—I never had the slightest difficulty with any person upon the subject.

4907. A great portion of the land is in grass?—Yes; a great portion of that I have to do with.

4908. Is that under composition?—Part of it, and part not.

4909. Do you find it as easy to collect that portion that is not under composition as that that is?—I never found any difficulty in either.

4910. Do you think that the interference of the Catholic clergy is connected, in any degree, with the opposition to tithe, or was it anterior to the opposition?—I do think that the Catholic clergy are inimical to tithe.

4911. Do you consider that the Catholic clergy have, in any degree, countenanced the association which is usually termed the Ribbon Association?—I would hope not.

4912. State what you think?—I really think, in my neighbourhood, they have not by any means countenanced it.

4913. Is not the association generally considered to be composed of persons of a very different class from those who are now opposed to the collection of tithes?—I have no doubt but that they are blended in a great measure; but there are persons opposed to tithes that I have not the slightest idea are at all concerned with Ribbonism.

4914. Do you believe that it will be easy to collect tithe this year, even in your neighbourhood?—From what I have heard since I came here, I think it is very doubtful.

4915. At the place where you have a claim for tithes, and collect them so very easily, are the persons who pay you Protestants or Catholics, or both?—Both.

4916. You have the peculiar good fortune of having your tithes paid by both classes without difficulty?—In one instance I had to take a gentleman's bill, payable in 12 months, for three years' arrears.

4917. You would not call that a good payment?—No; but I never had any difference with him on tithe.

4918. Do

4918. Do you believe that persons in less affluent circumstances than you are *Edward Rutland,*
could afford that accommodation?—I should think not. *Esq.*

4919. Then the Committee are to infer that the good understanding that subsists between you and those that pay the tithe, is to be attributed to your own indulgence, and not to any predisposition to the claim?—I am satisfied that the clergyman, who has an equal share of the tithe of the upper parishes of the Union with me, is well paid.

4 July 1838.

4920. Are there any arrears?—I think the arrears, if any, are very trivial; as to myself it is merely a matter of indulgence, but if I had pressed it upon the people I think I should have been paid.

4921. Have there been meetings to oppose the payment of tithes in your county?—None before I left.

4922. You have heard there have been since?—I have heard there was a petition to give relief from tithe.

4923. Was there any expression at that meeting of a determination not to pay tithe?—I cannot say.

4924. What is the feeling subsisting between the gentry and the Irish Government? are the gentlemen satisfied that the Government affords them the same assistance that the former Government afforded them?—I think there is a very great dissatisfaction on the part of the resident gentry.

4925. You have stated there was no very cordial feeling existing between the resident gentry and the magistrates and the lower order of the people?—The same does not exist that did hitherto.

4926. And now you have stated there is a distrust and dissatisfaction between the higher orders and the Government; is not that circumstance alone sufficient almost to account for the discontent that exists almost all through the country?—I cannot say that.

4927. On what is founded the distrust of the gentry towards the Government?—The magistrates feel that if they take an active part to put down meetings or disturbances, and if they go anything beyond the bounds of what the law points out to them, which they may do not intentionally, that they will not have the protection of Government.

4928. That is, that a stricter line is drawn now as to their performing their exact duties than was formerly the case?—Yes; there is a party that they are taken hold of by immediately.

4929. Were the magistrates formerly very lax in that way, in going very much beyond the strict bounds of the law?—I think not; I would say they did not go beyond the bounds of the law.

4930. How does it happen that a difference has existed in later times as to the difficulty of the magistrates?—Because there is a greater opposition to the magistrates than there was hitherto.

4931. Opposition from the lower class you mean?—By a set of persons that put the lower class forward.

4932. Have any of the magistrates of the county been brought to account for any unintentional breaches of the law?—I think not; I do not recollect any.

4933. Do you consider the land is let high in your county?—It very much depends upon the proprietor; those whose properties are not encumbered I think let their lands at a fair value.

4934. Are the absentee properties let bigger or more mismanaged than those of the resident land-owner?—Yes, decidedly.

4935. Whom do you reckon absentees; gentlemen residing in England or gentlemen residing out of the county, or do you reckon them all absentees?—Those residing out of Ireland; I do not consider a man an absentee who resides in Ireland.

4936. Although he does not go near his property?—If he is living in Ireland, the times are such he must see his property; he must be a very indolent person if he does not.

4937. Were not you yourself for a great many years connected with an absentee property?—I was.

4938. You do not mean to convey that that property was badly managed?—I am not to speak against myself.

4939. When land is let in tolerably large farms, is it not let at a fair rate?—In general.

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4940. And

Edward Rothcross,
Esq.

4 July 1830.

4940. And that the very high rents that are exacted apply to small holdings?—Some of the large holdings are let equally high.

4941. What should you call a fair rent for land in that county?—The land differs so very much it is difficult to say; there is some land in that county I consider would be dear at the taxes; there is other land it would be better to pay 2*l.* an acre for.

4942. Of which is there a greater quantity?—Of the good land; but some of the good land has been reduced so much it is of very little value.

4943. When you say land would not be worth the taxes, what do you call the taxes?—Tithes, church-cess, and county-cess.

4944. How much would those three items amount to?—The cess varies very much, according to the different baronies, and the tithe of course the same; but if you put them together, probably they might be about 4*s.* an acre.

4945. On the average?—Yes, about that I should think.

4946. Have not there been considerable complaints made lately on account of the county-cess?—There has been some little grumbling; I do not find there has been any serious complaint.

4947. Has not the increase, owing to the constabulary establishment, been much complained of?—At first it was; I do not find that it is latterly; they have become accustomed to it.

4948. Are the Committee to understand that that average of 4*s.* an acre includes all the charges upon the land, exclusive of the rent?—Yes, exclusive of the rent.

4949. In what part of the county of Meath do you reside?—At the western end of it.

4950. You must have a general knowledge of what was transacted in the three counties adjoining?—I know a little of it; I am not a person that knows much of the affairs of others.

4951. Has it appeared to you that the lower orders immediately around you have entered into a combination of any kind?—I think it has very much the appearance of it.

4952. Do they act in concert with respect to certain objects and grievances?—I think it has the appearance of it.

4953. Do you think they are subject to that, and that a particular leader has the government of them?—Our idea was that they were.

4954. Upon what facts or circumstances was that opinion founded?—It is merely from idea.

4955. Have you heard that they were bound together by oaths?—Yes, frequently.

4956. Have you seen that oath?—I have; it is a long time since I saw it, and I cannot say that I can pretend to state it.

4957. Have you any general knowledge of the expressions of it?—As far as I recollect, it was to be ready when called upon.

4958. Did it bear anything of a religious character; was there any declamation of hostility to Protestants or heretics?—I do not recollect; it is a long time since I have seen any oath, at least 12 months since.

4959. Do you suppose that the combination that appears to exist about you is part of a general organization, or that it has taken place merely for the prosecution of local objects?—I should think it a branch of a general organization.

4960. Have you heard anything about committees or small societies established for the management of the combination?—We hear of those things every day, but I have no proof of it.

4961. Are you at all acquainted with the proceedings of the United Irishmen?—No.

4962. You say in the last three years a very considerable change has taken place in the state of society, attributable to the change in the Roman-catholic clergy; on what particular circumstances is that opinion founded?—As to myself, I find that the lower class of people (and I have to do with a great many of them) do not act towards me as they used to do.

4963. Can you trace that to the Roman-catholic clergy?—Before the change took place in my parish and the adjoining parish the lower class were on the best terms possible with me.

4964. Why do you attribute it to the priests?—Because I say within that period there has been a change of the priests in those two parishes.

4965. Have

4965. Have those priests acted in such a way as to lead you to suppose they have been the authors of this alienation of good feeling of the people from you?—As to that, I know nothing but from hearsay; if I am to give credit to what those people immediately under me have occasionally told me, the priests are not fond of me.

4966. You have spoken of the conduct of the priests, from the testimony of people immediately under you?—Just so.

4967. Do you think that those people are deserving of confidence in their reports?—Upon my word, I do not see why they should tell me a falsehood.

4968. Are they Roman-catholics?—Yes.

4969. Are they employed in collecting tithes for you?—No.

4970. State the nature of the reports you have heard from them?—There was a transaction that occurred on my property a little more than 12 months back: there were some persons on a Sunday netting hares, between day and dark; I had got information that they were in the habit of taking hares upon the property, and I told one of my herds, if he expected to remain my servant, that he should find out the persons that were doing it. On the Sunday morning, between day and dark, he found persons with dogs and nets driving hares, and took a man with a basket on his back with a live hare and a dead one in it; in consequence of which I desired that he should summon those persons to the petty sessions for the offence; they were summoned, and did not appear; a conviction took place; and my men told me they had got into trouble with their priest, in consequence of having done their duty towards their master.

4971. Did they give you a statement of the particulars of what the priest had said to them, or how he had acted to them?—That they were pointed out as bad subjects in the country, and that they should be avoided by their neighbours where they met them.

4972. Did this exposure take place in the chapel?—So they told me.

4973. How long ago is this?—This occurred in June 12 months.

4974. Who is the priest?—The priest of the parish in which the persons reside who committed the trespass on my property was Mr. Burke.

4975. Do you know anything of the resistance made to the payment of rents in your neighbourhood?—I know there has been.

4976. Will you state the particular circumstances connected with it?—That I only know from hearsay; I am not connected with the property on which it occurred, though it is adjoining my property.

4977. Do you know anything of a sale of cattle at Castle Pollard on a distress for rent?—I have heard of cattle being brought in, but they were not sold.

4978. Were there any measures adopted to overawe persons, and deter them from purchasing cattle?—Yes, I heard that there were.

4979. Who were the agents most actively employed in this opposition to the sale?—I know nothing of it but from report, and the report was that Mr. Burke was opposed to the sale of the cattle.

4980. In what manner?—In bringing the people together.

4981. In point of fact, no sale took place?—So I heard.

4982. Is the information on which you make that statement such as you would give credit to; do you think it is of such a character as you can depend upon?—It was in conversation with my neighbours, the gentlemen of the country, and I have no reason to doubt it.

4983. You have stated you attributed the change in the feelings of the people towards you to the Catholic clergy, but the clergyman to whom you have referred is not the clergyman of your parish?—There are other reasons that make me think that the Catholic clergy are not favourable to me; one is, that I have taken a great deal of my property into my own immediate possession; and I think they are not partial to me.

4984. Is it your opinion that their objection to you arises from the circumstance of your having, by taking the property into your hands, diminished the population very considerably, and consequently diminished their revenues?—Of course it must.

4985. Do you recollect whether this change of feeling towards you existed before you ejected those people off your property?—I was on the best terms for a considerable time after those people left me. I did not eject them; it was at the expiration of their leases. I do not remember to have ejected more than one tenant, and that took place just before I left the country, and then there were three years' arrears due to me.

Edward Rotherham,
Esq.

4 July 1831.

4986. How many were there of those people that you ejected?—I think it occurred 11 or 12 years back, and I cannot say the number; it was in Meath; and there was another small property I wished to unite with it, which I have taken into my hands since.

4987. Have you done anything in the last three years in clearing your land?—Yes, in the County of Cavan; and there is a property that I have bought since that I have made some changes in.

4988. In the last four years can you say how many you have dispossessed?—I could not pretend to say; they were on different properties; and some I dispossessed altogether, and others I changed from one part to another of my estate, where I wished to have a better division of the farms; there were two or three landlords between those tenants and the original landlord.

4989. You are not prepared to say how many you dispossessed?—No, not here, I am not.

4990. Did they amount to a score?—Yes, they did.

4991. To two score or three score?—I cannot say, it is so long a period since. What makes it difficult to say is, that some were dispossessed altogether, and others removed from one part to another of my estate. Where I found a man had a little money in his pocket, and was an industrious man, I was glad to keep him; where it was the reverse, I was glad to get rid of him.

4992. The Committee wish to know the number of these dispossessiones entirely?—I cannot say; in some instances there were three or four families on an acre of ground.

4993. Is there any system of nightly depredation in the county of Meath?—Not in my neighbourhood.

4994. Do you think it possible to improve the state of society with three or four families on an acre?—It is difficult to do it; if you can give them employment you may improve society.

4995. You mean permanent employment?—Yes.

4996. Do you think it possible to find permanent employment to a population of that density; is there any device or undertaking that would afford that employment?—I do think for some years we could find employment for the population in my neighbourhood if we had capital; but very few in the country have any capital to spare.

4997. Is there any manufacture in your neighbourhood?—No.

4998. Is there a general deficiency of employment?—There is.

4999. How many acres of land do you suppose could support a man and his family at a fair rate, supposing him to have no other means of support but his farm?—I think of fair land, at a fair rent, 10 acres would keep a family.

5000. Do you think that less than 10 acres would enable a man and his family to exist?—He might exist, but nothing more.

5001. Do you not think that dispossessing a considerable number of families, who are, when dispossessed, destitute of any means of existence, must have an effect, and a strong one, to produce discontent in the country?—It is very natural that it should create discontent.

5002. Have you any doubt of it, taking the facts as stated?—I do not find that it is with that class in general that it takes place.

5003. You do not find that the poor who are dispossessed are disorderly?—They have contrived to plant themselves elsewhere.

5004. In point of fact, has the removal of those persons caused any disturbance whatever in your neighbourhood, or merely laid the seeds of disturbance?—I do not find it has created any disturbance.

5005. You ascribe the disturbance to other causes?—There is no disturbance; there was discontent in my neighbourhood.

5006. Are there any party processions or meetings of Catholics or Protestants tending to excite a religious animosity in your part of the country?—We have none.

5007. There being no disturbance of any kind there, you are not disposed to urge the necessity of any alteration in the law?—I cannot pretend to mend the law.

5008. Are you of opinion that the existing laws are sufficient to preserve the country in its present state without the Insurrection Act?—I think if there is not something done for the people the present laws will not keep the country quiet.

5009. What do you mean by something done for the people?—Finding them employment which will give them food.

5010. How

5010. How is that to be effected?—Sending capital into the country.

5011. Do you suppose, in the present state of the country, anybody would be likely to risk their capital there?—There are people that do it every day; I am risking mine.

5012. Do you think it would be possible to increase the comforts of the poor, with advantage to the country, by establishing a poor's-rate?—Decidedly it would increase the comforts of the poor.

5013. Do you believe it would be advantageous to the community?—I think something should be done, but how far a poor's-rate, I cannot say; I should like a fund to be established for the purpose of giving employment.

5014. What kind of employment should you propose, manufacturing or agricultural?—Agricultural.

5015. If you propose agricultural employment, what reason is there that the gentlemen who have properties in Ireland do not see the advantage of employing their money in that way?—They may see the advantage of it, but have not the capital.

5016. Can you state, as a positive fact, that Ireland is so totally destitute of capital as you suppose?—I know in my neighbourhood there is scarcely a person employed, except by Mr. Naper, myself, and my brothers.

5017. Do not Irish resident gentlemen employ, generally speaking, a greater number of persons upon the same quantity of land than they do in England?—I am satisfied that they do.

5018. Do you not think that they are actuated by motives of charity?—I am satisfied many are so employed.

5019. Do you believe it would be possible, with advantage, to establish a rate for labour, to give employment to those not now employed?—That is rather a difficult question; but I think the thing might be brought about.

5020. Would the landowners and parishioners willingly submit to a tax to be so applied?—Just now I think there is a great unwillingness to submit to any tax; but, as far as I am concerned myself, I should willingly submit to anything to make the people more contented.

5021. You say that you and your family employ a great number of people about you; do the people about you join in those combinations?—I do not think there is the same good feeling towards the gentry which there was hitherto.

5022. Do you find that among your own people?—Those that I employ cannot see their master without touching their hats, but their immediate connexions will pass me by without taking the slightest notice of me.

5023. Is not that a proof that it is not the want of employment that excites the people?—I think the people would be more contented if they had employment; but there is something amongst them that we do not know, and which we are not able to fathom.

5024. Do you consider that the rest of your county is in the same state as in your own immediate neighbourhood?—If it is not worse, I am satisfied it is not better.

5025. Do you think that the feeling of the people would have undergone this observable change if left to themselves?—I think not.

5026. You think other agents, distinct from the people themselves, must be at work in producing this change?—I am satisfied of it.

5027. Have you any reason to suspect who those agents are?—There is a variety of them, I think.

5028. Different classes of them?—Yes.

5029. What should you state as to the classification?—There is one gentleman occasionally comes into my neighbourhood, and I think he has something to do in putting the people against the magistrates of the country.

5030. Is he an agitator?—I should say he is.

5031. How does he proceed in effecting this?—The last time I had to do with him was relative to the church-cess.

5032. Would you state the particulars?—He appeared at our sessions to support those who refused the payment of church-cess.

5033. Is he a legal gentleman?—No; he has no immediate occasion to come into my neighbourhood, but I know that he occasionally does come.

5034. How did he proceed in the business?—Those people were called on to pay their cess; as usual they declined doing so; there was an application made to the bench at the petty sessions by the churchwardens in order to levy the cess,

Edward Retherow,
Esq.
4 July 1832.

Edward Rotherham,
Esq.
4 July 1832.

which was granted; my brother-in-law went as a magistrate, with a party of the constabulary and the person who was to direct the distress, for the purpose of distraining; they refused the payment; he effected his distress, and whilst doing so those persons distrained turned out; one of them got on a hill, and blew a horn, apparently for the purpose of collecting the people; the magistrate immediately arrested him, and brought him into Oldcastle, and had him committed; he is since out on bail; he was to take his trial for it at our assizes next week. The mother of this man came forward in a violent manner, for the purpose of rescuing the cattle, and the magistrate states that he put her aside with his whip; he was on horse-back; and she made application for a warrant against him for an assault.

5035. What was the result of it?—The first application was made at the quarter sessions in Kells; the magistrates there did not entertain it, for what reason I cannot say; it then came before us at petty session; Mr. Naper and myself were on the bench; we declined interfering in it, as it had been before the general sessions, and there was an application to be made to the King's Bench on the part of the woman; whether that has gone on or not I cannot say.

5036. Was this done by the instrumentality of this agitator?—Yes, decidedly; he attended regularly at the petty sessions for the purpose.

5037. Who is this agitator, is it Captain Rock himself?—No, it is not.

5038. That is one description of persons employed in exciting discontent and opposition; are there any other classes that have been ostensibly engaged in the same way?—I cannot pretend to say.

5039. Does this gentleman belong to the county?—I fancy he came from the county of Cork to our county; the first I knew of him was when he was chief constable.

5040. Was he dismissed from that office?—I heard he was.

5041. Had he ever resided in your neighbourhood?—Yes, he had.

5042. Was it not from that casual residence he became in some degree acquainted with that parish?—Decidedly it was that that made him acquainted with it; and I think very unfortunately for the parish he ever resided in it.

5043. Did he take any other parishes under his protection?—Not that I know of.

5044. Did he take any part in politics at the time he was residing there as chief constable?—No; he was not in my part of the country as chief constable.

5045. Has the church-cess in that neighbourhood been paid?—That was the first instance I heard of any objection being made to it.

5046. Has that example been followed?—After that we found it necessary to summon several persons to our session, and they had the good sense, on the advice of my brother magistrate and myself, to pay the church-cess.

5047. What does the church-cess amount to per acre?—Very trivial, never so high as 6 d. 2 d. or 3 d., and in some instances where we had occasion to summon them the whole cess did not amount to 1 s.

5048. You consider that as a specimen of the system of interference that has excited the people to opposition?—Yes, decidedly it is interference; if they had not been interfered with, they would not have put themselves into hot water.

5049. Although the 6 d. an acre to you who use the church, and are in wealthy circumstances, may not be much, is it not a vexatious tax to the poor persons of the Roman-catholic religion who never use the church?—I would much rather pay it for them than have any disturbance about it.

5050. It did not amount to 6 d. an acre?—Very rarely.

5051. What was the construction put in your neighbourhood upon Mr. Stanley's declaration, that the tithes were extinguished?—That they were done away with altogether; that they should have nothing more to do with them.

5052. Either as a rent or anything else?—They thought there was a complete clearing off.

5053. Do you not think that that feeling will prove a very serious barrier to any future attempt to collect tithe?—I think it will be very troublesome in future.

5054. Do you think it will be possible to collect it?—Not without very strong measures; it may be possible, but not without very unpleasant consequences.

5055. Even under the shape of composition?—In any shape.

5056. Supposing the landlords were to become responsible for the payment of tithe, charging it in the shape of rent, do you think that the people would object to it in that form?—I think they would object to the name in any form.

5057. Do

5057. Do you think they would object to the thing, divesting it of the name?—*Edward Robinson, Esq.*
I think, having gone so far, the Government must go through with it; I do not think the tithes will be collected with satisfaction in any shape.

5058. Supposing you had a farm out of lease that was subject to tithe, and that tithe was abolished, if upon letting that farm you charged an additional rent, in a proportion to the tithe abandoned, do you think that the tenant would consent to pay that addition in the shape of rent?—If tithes are abolished, and I have a farm to let, I do not take tithes into consideration, but let it for what it is worth.

5059. You consider it worth so much more, in consequence of the abolition of tithe?—Yes; I conceive that the tenant will give me a fair value for my land, and no more.

5060. Do you think that any objection would be made to the payment of what you consider a fair value, when it is considered that you have to pay a portion to the clergyman?—The tenant has no right to take into consideration what the rent is applied to; the question for him is, whether he can afford to pay the rent out of the produce.

5061. Although he is not charged with tithe, if there is an additional rent-charge for the support of the Established Church in Ireland, would he consent to pay that additional rent?—I think it is very repugnant to the feelings of a Roman-catholic to pay a clergy that they receive no benefit from.

5062. And that is the real foundation of the opposition?—I cannot say it is the real foundation of the opposition, but I think it is a very good reason, and a very natural one.

5063. How would you account for their opposition to lay tithes?—The lower class, in general, are very ignorant, and in very few instances do they consider the difference between them in any degree; and I am told that the lay tithes are better paid than those paid to the clergy.

5064. Have you not heard of several lay proprietors coming forward lately and voluntarily abandoning their tithes?—I cannot charge my recollection with it; it is possible; they think they may as well do it. Except there be something done I do not think they will get tithes.

5065. Suppose the people were to succeed in abolishing tithes, do you think that they would stop there, and be satisfied to pay rent?—It is very doubtful.

5066. You think, having taken the business of legislation into their own hands, they will be disposed to go through with it?—I think they would be very well inclined to divide the property with the landlords.

5067. Have you ever heard it said that the ulterior object of this association against tithe was the lowering of the rent, and the appropriation of the property to the actual occupier?—I do not think it has come to that in my neighbourhood.

5068. Are you aware that many Roman-catholic laymen are proprietors of tithe?—Yes.

5069. Do you not know that the opposition to their tithe is quite as great as to the tithe in the hands of Protestants?—I believe it is; I believe they will pay no man if they can possibly avoid it.

5070. Supposing the fund arising from tithe to be levied in the shape of a tax upon land, and appropriated in a different manner, do you think such an arrangement as that would induce the people to pay tithe satisfactorily?—I declare I do not think they will pay tithe if they can possibly avoid it in any shape. I think things have gone such a length it will be with very great difficulty that anything in the shape of tithe can be got from them.

5071. No matter whatever its appropriation?—No matter.

5072. Will not the result be, that the landlord in future leases will derive a benefit, and the tenant during the pending leases, if the tithe be abolished?—I do not see how he is to derive a benefit; the landlord is supposed to let land at a fair value; if the landlord gets a fair value for his land, and the tithe is abolished altogether, and there is no tax put on in lieu of tithe, the landlord is a gainer.

5073. And pending the leases who is the gainer?—The tenant.

5074. Do you consider such an arrangement to be just?—I cannot say that it is.

5075. Would you suggest anything to the Committee that would tend to remove the discontent you state to exist, though it has not broken out into open disturbance?—Pay the Roman-catholic clergy out of the Treasury.

Edward Raftery, Esq. 5076. Would they receive it do you think?—There might be some little objection at the start, but I think ultimately they would receive it.

4 July 1832. 5077. Do you think that the people would gladly avail themselves of that opportunity of declining to pay the Roman-catholic clergy if they were paid by the Treasury?—I think they would, conceiving if the priest was in want he would receive it from the Treasury.

5078. Do you think the payment of the Catholic clergy would be a panacea for all the evils that exist in that country?—No, certainly.

5079. Do you think that the Protestants and Catholics of this country would agree to it?—I cannot speak for others; it would be a heavy tax upon me, but I would gladly submit to it. I do not give anything toward the Roman-catholic clergy at present, but I would gladly submit to it.

Alexander Walker, Esq., called in; and Examined.

Alexander Walker, Esq. 5080. WHERE do you reside?—Clare Island, in the county of Westmeath.

5081. Are you a magistrate of the county?—No, I am not.

5082. Is the part of the country in which you reside much disturbed at the present moment?—At present it is not, but it has been much disturbed in the last two years.

5083. To what do you attribute the disturbances?—I attribute them to the very violent and intemperate conduct of the priest who was appointed to the union of parishes in my neighbourhood about two years and a half ago, and who, in a short time after his arrival, appeared to turn his whole attention and the influence he possessed to the most mischievous purposes, in exciting the lower orders to hatred and contempt of the upper, and, in short, breaking down that good feeling that had subsisted between those classes for a great number of years, and to the commission of acts, out of which, I think, sprung many of those disturbances that have brought disgrace upon that unfortunate, though hitherto happy and peaceable part of Ireland.

5084. What was the character of the disturbances?—The first, I think, was a decided turn-out against the payment of rent on one particular property, said to be under the immediate direction of this priest.

5085. Were the rents exorbitant upon that property?—I think not.

5086. What property was it?—The Duke of Buckingham's estate.

5087. You say that the disturbances are not going on now?—No; within the last three months, or since the assizes at Mullingar, I think there is a great stillness, and an absence of those outrages; I have not heard of anything particular occurring since the period I allude to.

5088. To what do you attribute that cessation?—I attribute it to two causes; first, that there were some salutary examples made at the assizes at Mullingar; and secondly, that this priest I allude to has not addressed the congregations in my particular neighbourhood since that period; he has come very little among them, and has ceased to hold forth those violent exhortations that he used to indulge in.

5089. You consider if the people were left to themselves, the grievances are not such as would lead to disturbance?—I am confident; I think the people thereabout are naturally well-disposed; and within my recollection, which embraces a period of 30 years, but more particularly a very intimate knowledge for 14 years, I can say that a more peaceable, orderly, and well-conducted people Ireland, or any country, could not produce.

5090. Is there much distress among the poor of that country?—There has been distress in the neighbourhood of Castle Pollard; there has been some distress on the Duke of Buckingham's estate, but certainly not amongst his direct tenantry; what I allude to by his direct tenantry is, that a number of persons took shelter there about two years ago, when distress was in the country; and some of the cottiers on the property I have no doubt did suffer distress from want of provisions, but that distress did not extend to the Duke's direct tenants.

5091. Do you know whether the persons who took shelter upon the estate were strangers?—Some of them were; but, generally speaking, they were cottiers employed by the farmers that brought them there, and who should, we conceived, have provided for them.

5092. Not the description of person that a landowner conceives himself bound

to provide for?—No, quite the contrary; they are a great misfortune to that property. *Alexander Walker, Esq.*

5093. Were they persons in possession of leases?—No.

5094. They merely came and casually settled there?—Yes; and some were employed to assist in tilling the land, and others as a kind of little tenants, to enable the farmers to pay the rent, setting a little cabin to them.

5095. Do you know where they came from?—From the neighbourhood.

5096. Do you know whether they came from any estate that had been cleared?—No; they were principally people that had been about the place for years.

5097. Are you aware of that priest, to whom you have alluded, having preached and delivered discourses at his chapel against the agent, crying down the agent of the Duke of Buckingham, and advising his flock not to pay rent to the agent of the Duke of Buckingham?—I am; he did preach very frequently in abuse of this agent, and in abuse of his employer, and in abuse, I may fairly state, of every gentleman in the country, but more particularly against that agent; he is represented to have given particular directions to them not to pay rent. I am not a Roman-catholic, and did not attend at the chapel; but I shall produce such proof as shall satisfy the Committee.

5098. It is what you heard from the tenantry of the country?—Yes, and from persons acting in conformity with his directions.

5099. What proofs have you?—I have the affidavit of the bailiff of the Duke of Buckingham, which I can produce.

5100. Was that affidavit confirmed by the testimony of other persons who heard those discourses?—It was corroborated by persons who were told by the persons that heard those discourses.

5101. Have you any doubt whatever of the truth of this report about the priest's discourses?—None whatever.

5102. You heard it from Roman-catholics?—Yes.

[The Witness delivered in the following Paper, which was read.]

(Copy.)

"County of Westmeath, } Thomas Atkins, of Togher, in said county, bailiff to his
to wit, } Grace the Duke of Buckingham and Chandos, came before me, and made oath on the Holy Evangelists, and said, that on the 13th of October last he called on Peter Duffy, of Knockree, farmer, tenant to his Grace the Duke of Buckingham, in order to collect an arrear of rent due by the said Duffy to his Grace, when said Duffy told defendant that he would not pay rent to Mr. Fishbourne, his Grace's agent, or any person he would send; that he had the priest's (Mr. Burke's) orders not to do it; and that he would suffer hell's flames sooner than disobey his orders, and that there was not a Roman-catholic on the estate that would not do the same; Duffy further added, that the priest had said that they, the tenants, would soon have a free commons on the Duke's estate, such as the one at Lloyd, near Kells, alluding, deponent believes, to the forcible possession taken by the peasantry in the county of Meath to said commons; and that on that night, namely, the 13th of October, forcible possession was taken of seven acres of land on his Grace's estate by a party that had been dispossessed for non-payment of rent about two years ago; deponent further swears, that he called on said Duffy in consequence of his having heard that the priest gave orders on the Sunday before to the Duke's tenantry not to pay rent to his Grace's agent, Mr. Fishbourne.

"Sworn before me, 20th November 1830.

"T. Pakenham."

"Thomas Atkins."

5103. Are you aware that those discourses of Mr. Burke were confined in their hostility to the Duke of Buckingham and Mr. Fishbourne, or were they extended also to directions not to pay rent; did they extend to any other acts of illegality?—As far as the Duke of Buckingham and his agent were concerned, the orders were limited to the tenantry not to pay rent; but those discourses extended to other persons in the neighbourhood; almost every country gentleman has been from time to time abused by Mr. Burke.

5104. Was Mr. Burke in the habit of travelling about to deliver those discourses?—No; he used to come to his chapels; he had four, I think, in the Union.

Alexander Haller,
Esq.

4 July 1832.

5105. Did he ever travel outside that circuit?—I have often heard he went to other parts of the country on political business. I am not aware that it was on Sundays he did so. I have heard of his attending a political meeting at Navan.

5106. Do you know anything of the sale of cattle on a distress for rent at Castle Pollard?—Yes; I know that they were brought there to be sold. I should perhaps explain why they were brought there: in consequence of the agent having come three times to receive the rent, and the tenants still holding out against paying any, he found it necessary to put the law in force, by order of his employer. He sought a writ against one man that he supposed to be the ring-leader, and put him into gaol; he ordered some townlands on the estate to be driven, and the cattle to be put in pound in Castle Pollard; they were put in pound, and a day appointed for the sale of them. Previous to the arrival of this day, the priest and his then curate gave orders from the chapel that every man and every woman in those parishes should attend at Castle Pollard on the day of this intended sale; the people all did attend, and Castle Pollard was crammed to suffocation almost. There happened to be a number of magistrates present on that day attending at the special sessions for roads; they were apprized of this assembling of the people, or the probability of it, and they ordered a very sufficient force of police to attend at Castle Pollard, which force was put into the barrack, and not sent among the people. At the hour appointed for the sale, the priest's curate mounted the wall of the pound, and addressed the populace in a most inflammatory manner, in abuse of the Duke of Buckingham and his agent; and the priest himself went up to the pound-gate and called for the person that was to sell the cattle. The bailiff said that he was the person, on which the priest called to the people to come forward and throng up the gate; these were his own words, "so as that he could not take a grasshopper out of the pound."

5107. You were not there?—No; but I had it from the best authority, the bailiff; the bailiff said he was prevented carrying the sale into effect.

5108. Was Mr. Fishbourne present?—He was in the town. The bailiff then told the priest that he had prevented him carrying the sale into effect, and that he would go and lodge informations against him with the magistrates; the priest said he had not; he appeared to have got alarmed, and went away and drew up a paper, or had one drawn, which was a sort of compromise, and that paper he had submitted to the magistrates, with a request that it might be laid before Mr. Fishbourne. I believe this paper was offering terms for the tenants, such as that the cattle might be released from pound, and that they, the tenants, would come in the next day and pay their rents; that the ejectments then going on should be given up, and other things of that kind; the magistrates waited on Mr. Fishbourne and requested him to accede to the terms of the paper, with the view, I believe, of appeasing the peasantry that were then assembled, for there was every probability of bad consequences from the assemblage of such a multitude of people. Mr. Fishbourne, I understood, did not consider himself in a position to refuse the advice and request of the magistrates, and he did accede, and the cattle were released from the pound, and the tenants commenced next day to pay their rents. The Duke's tenants appeared to be very glad that this arrangement was entered into, and that they were allowed to pay their rents, but the other persons assembled appeared very much disappointed at the result; they had watched it with intense anxiety and agitation; the paying no rent and pulling down landlords appeared to them a very inviting prospect; and it was well understood in the country that if the Duke's tenants had succeeded in not paying, or the person advising them had succeeded, that many others would have followed the same example. It was notoriously spoken of and well known in Castle Pollard that day that fire arms were brought into the town to a great extent on the persons of the people, and one man was indiscreet enough to show his arms; he was asked why he brought them by a sergeant of police, who discovered them on him, and he said it was to defend himself against the police; some days afterwards this man was brought before the magistrates, and he was fined in the sum of 40 s., I think, on which the priest immediately stepped up and paid the fine.

5109. He was fined for having arms on him illegally?—Yes.

5110. Who drew up the compromise you have alluded to?—The priest; at least it was he that submitted it for approval.

5111. Was it approved of?—It was agreed to; Mr. Fishbourne was not in a position to refuse acceding to it when the request was made by so many magistrates.

5112. You

5112. You have said you believe the confidence of the people in the magistracy to have been very general until these disturbances and had advice had shaken that confidence?—I do.

*Alexander Walker,
Esq.*

4 July 1830.

5113. Did the priest you refer to, or any other priest in that neighbourhood, advise the establishment of courts of arbitration in the country?—The priest I allude to did, I think; I can state the day, it was the 25th of March last; he addressed the congregation in his usual violent manner in abuse of the magistrates; and alluding particularly to the address from them to the Lord Lieutenant respecting the laws in Westmeath, he told them that they were not worthy of their confidence, and he would appoint persons he called arbitrators to settle all the disputes, and all matters usually submitted to the magistrates; those persons he proposed in the chapel as fit and proper persons; they were approved of, and their names posted on the chapel.

5114. Were any appeals from the decisions of magistrates made to those courts?—I am not aware that there were; but some persons did not abide by the decision of those new functionaries, and they have been held up as persons acting very improperly in not acceding to them.

5115. By whom have they been so held up?—By the priests.

5116. Do you think the appointment of those arbitrators was to supersede the functions of the magistrates and bring them into contempt?—I am convinced of it.

5117. Do you believe such would have been the effect of it if permitted to go on?—It is going on at this moment.

5118. Has it such a tendency?—Yes; but there are cases brought before the magistrates by the people now, for I think they are not willing to submit entirely to the priest's direction on that account.

5119. You think the people are obedient rather from the fear of the priest's influence, and the consequences of disobedience, than choice?—I am convinced of it.

5120. And if left to themselves they would have remained in the same state as the priest found them?—Yes; and I know that the two predecessors of this man, whom I had a knowledge of for 30 years, having been quiet and well-conducted men, who turned their attention to their spiritual duties, and did not mix up those duties with politics, as long as they lived everything went on well in these parishes; but unfortunately one of those men died about two years and a half ago, and on the appointment of this man, or soon afterwards, all this confusion commenced in these parishes.

5121. Then you have no doubt whatever that the outrages that took place, and the disturbance and excitement that existed and still exists in this neighbourhood, is owing to the inflammatory discourses and proceedings of the priest you have spoken of?—I have no doubt of it.

5122. Is that the general opinion in this neighbourhood?—Yes; and I have been told so by Roman-catholics.

5123. You say that the priest was a party to the arrangement at Castle Pollard?—Yes.

5124. And that the people were very much annoyed at it?—I said that the Duke of Buckingham's tenantry were glad of the arrangement, but that the others were not.

5125. In that instance you do not accuse him of having done mischief in getting the arrangement entered into?—No; but I accuse him of having brought the thing into that state that required that arrangement.

5126. Was the seizure made for rent, or for arrear of rent?—For rent and arrears of rent.

5127. Was there any impression on the part of those who resisted the payment that the rent had been forgiven?—I am not aware of it; I have as intimate knowledge of the manner in which the business of that estate has been conducted as any person not connected with it can have; the rents have been received in my house since I have been there, for there is no other place where the agent could well receive them.

5128. Did this transaction occur prior to, or since the affray with the police? Prior to it; and the very worst feeling existed from that period until the unfortunate attack took place on the police at Castle Pollard. I had frequently heard in the interval that the people had expressed great hostility towards the police, whom they termed the bloody Brunswick police, and the very first occasion that

*Alexander Walker,
Esq.*

4 July 1832.

those people came in collision with the police was at the fair at Castle Pollard, when an attack was made on them; the loss of life and the consequences the Committee are acquainted with.

5129. Why did they give to the police the appellation of Brunswick police?—I do not know.

5130. Do you know whether any of the police are enrolled in the Brunswick clubs?—I am not aware of one.

5131. Have you heard that they attended the meetings?—No; but I am aware there were many Roman-catholics among the police, and some as good men as any in it.

5132. You have stated, on the 25th of March the appeal was made by the priest that you have alluded to of an inflammatory nature?—Yes, I think it was that day.

5133. Though you are not a Roman-catholic, and do not attend the chapels, you appear to have good information of what occurs there?—Yes, very good; for perhaps within an hour after it was made I should hear it from two or three Catholics, who I have no reason to think would lead me astray; but none of those could be got to come forward to prove anything against the priest.

5134. Those speeches to which you have referred as being very inflammatory were made at public places?—In the chapels.

5135. The person so making them was amenable to the law?—I suppose so.

5136. Were any proceedings taken against him?—No; for the best reason, that no Roman-catholic could be got to prove anything against him; I have tried it.

5137. You are aware that it is supposed to be almost a point of duty, a religiously sanctioned duty, not to divulge against the priest anything that occurs in his character as a clergyman in a place of worship?—I am aware that they would not come forward, and that they conceived it a part of their duty not to do so.

5138. Would it not be considered a most horrible and unpardonable crime to come forward to give evidence against a priest?—I have every reason to believe so.

5139. If he did he could not live in society?—I believe that is a fact.

5140. Suppose it to be so, would it not be possible to get other persons of another religion to attend to give evidence?—No; impossible.

5141. Why?—For fear of being murdered if found out.

5142. They would be considered spies?—Yes.

5143. Should you like to be caught in a Roman-catholic chapel for that purpose?—I should not come out with my life.

5144. Are you aware whether Roman-catholic soldiers going to chapel are attended by an officer in charge?—I am.

5145. Do you happen to know whether any officers in discharge of that duty had been subject to insult in the chapel at Castle Pollard?—I heard that they were.

5146. Do you happen to know the nature of those insults?—I have heard that this priest on one occasion addressed the soldiers in Castle Pollard soon after that affray at Castle Pollard with the police, and that it was considered of a very improper tendency. I have also heard that the officer who was present made an official report to the Government, and that this priest was ordered to attend in Dublin to account for his conduct; I know that he did go to Dublin upon that occasion, and it was said it was for that; but I have no particular knowledge of the nature of the report beyond what I have stated.

5147. Were you upon friendly terms with your Roman-catholic neighbours until this priest arrived?—Always, and considered myself very popular with them.

5148. Have you changed your course of conduct in any way so as to give them reason to change towards you?—No.

5149. State what terms you were on with the priests, the predecessors to Mr. Burke?—I may say I was on terms of intimacy with them; they did not exactly dine at my house, but they have been there; they came in a friendly way, and often went out upon the lake opposite to my house in my boat, and been in my garden to pick fruit; I was on the most friendly terms with them.

5150. What is the general feeling of the people towards Mr. Burke; are they pleased to have such an active gentleman amongst them, or would they be better pleased to part with him?—I think they would be glad if he was gone, for they have expressed themselves in this way, that they wished to God he would let them

them alone and let them enjoy peace and quiet; that they believed it was the devil drove him amongst them.

5151. You have stated that that part of the country has been quiet for the last three months?—Yes, it has.

5152. Is not that gentleman still the priest of the parish?—He is; but I have stated that he had ceased to address them in that way for the last three months.

5153. That was after the trials upon the special commission?—Yes, after the assizes of Mullingar.

5154. Is that priest in the habit of using his influence to deter labourers working for their employers in that county; has he interfered in the arrangement of masters and servants?—Yes.

5155. Can you state any instances of that interference?—I can; I have a report in my pocket that I found it necessary to make to the principal magistrate in that neighbourhood, on the occasion of my labourers being ordered to leave my work; and I am aware that the labourers of another person in the neighbourhood were ordered not to work for him.

5156. By whom?—By that priest.

5157. Have you a copy of that report?—I have a copy of the letter I wrote to Mr. Pollard, the magistrate.

5158. Does that letter detail the true facts of the case?—It does.

5159. Produce it—

[*The Witness read the following Letter:*]

"Clare Island, 29 October 1830.

"Sir,—I have the honour to report to you, as the principal magistrate of this neighbourhood, a system of persecution put in force against me by the Roman-catholic priest (Mr. Burke) for the united parishes of Sickblé, Foyenn, &c., in denouncing me from the altars of his chapels; taking frequent opportunities of preaching against me, giving his parishioners orders not to work for me, and by the most inflammatory harangues exciting to hatred of me the minds of the people. When I first heard of this cruel attack on me (about two months ago) I naturally felt great surprise at the circumstance, as I not only never came in contact with him in any way, but up to this moment have never seen him, and I hoped and concluded that his attack would not have the effect of withdrawing from my employment the labourers whom I have been giving almost constant work to for years; I regret to say he has succeeded, and I now find the greatest difficulty in getting my potatoes dug out, having only six men dependent on me, some of whom have been, within the last 24 hours, threatened and abused for working for me, contrary to the priest's orders, nor will any amount of wages induce the labourers to assist me. I beg to add that Mr. McCullough, a respectable farmer near me, who has been in the habit of employing a great many labourers, and to whom they were greatly attached for his kindness to them, is now similarly situated as myself, the priest having ordered the people not to work for him. Under these circumstances I consider myself justified in making you acquainted with the unwarrantable conduct of the priest, and the wicked purpose to which he has turned the influence which he unfortunately possesses over the minds of his congregation. How far I am a person likely to merit such treatment you must be a tolerable judge; I have now resided 12 years in your neighbourhood, and you cannot be unacquainted with my character.

"I have the honour to be, Sir, your very obedient servant,

"*Alexander Walker.*"

Mr. Pollard, I believe, sent my letter to the Government, with the view of getting the Government to join in the offer of a reward for the discovery of the person that gave those orders. I believe he got a very civil answer in reply, but declining it, under some legal excuse; the difficulty, I believe, of bringing the complaint home to the persons accused.

5160. Was the tithe composition popular in your neighbourhood before this transaction took place?—Yes.

5161. And tithes regularly paid?—Yes, very regularly, till the last gale came. The parishes in my immediate neighbourhood are under the operation of the Tithe Composition Act, and the landlords pay the tithe for the tenant; that is, a day or two previous to the agents of those properties coming to receive the rent the tenants were in the habit of going to the tithe proprietor and paying the

Alexander Walker,
Esq.

4 July 1832.

tithe, and getting a ticket for so much money, which they handed to the agent as so much rent; they were allowed it by the agent; but I observed at the last visit when one of those agents was in the country that no tithe ticket, save two or three came in, and that the tenants preferred paying the agent the money as rent to giving anything to the tithe proprietor; and in consequence the tithe proprietor had not been paid.

5162. The landlords allowed for the ticket?—Yes.

5163. Was it a bulk-rent that embraced tithe, and where the ticket went for a part of that rent?—Yes, it went for a part of the rent.

5164. Then they had the land tithe-free?—The landlords rendered it tithe-free. I am not aware that they were bound to pay the tithe for those people, but they did pay it for them; it was a relief to the tenantry.

5165. Is not the combination against the payment of tithe general?—It has only reached those particular parishes within a few months; but it is general, as far as my knowledge goes, in all other parts of the country. We conceived that the reason it had not reached my immediate neighbourhood was, that it could be no grievance to the tenants when the landlords allowed them the tithe in payment of their rent.

5166. You say at the last half year there were only two or three tithe tickets came in, whereas heretofore they were in considerable numbers; did the tenants who did not bring in their tithe tickets this time pay any more than the same rent that they would have paid had they brought in the tithe ticket?—They paid the rent and the amount of the tithe ticket to the agent in preference to paying so much tithe to the tithe proprietor; and, in fact, they got rid of him. They said they were afraid to pay it, and a man that did pay it his name was posted on all the chapels for so doing.

5167. Then, from what you have stated, the Committee are led to suppose that the people had no objection to pay the money, but that they were deterred from paying it from dread of personal injury?—Exactly; at least they said so.

5168. Do you allude in this to the Catholic population or the Protestants, or both?—The Catholic population of those two parishes exclusively.

5169. Have the Protestants paid the tithe?—On that particular part the Protestants have all paid.

5170. Are there many Protestants of the lower class?—Very few. I think there were only two Protestants living on the Duke of Buckingham's estate, and but four Protestant tenants; those had all paid their tithe I know; I am one myself.

5171. Do you think there exists any illegal combination of the description of Ribbonmen or Whitefret?—I think there does not in my neighbourhood.

5172. Have you any political unions among you?—Not in that immediate part, but in the county of Longford, which is within six miles, there are a great many that have been lately got up.

5173. Who have been the promoters of them?—I believe the priests.

5174. Do they take a part in them?—Yes.

5175. In what part of the county?—In the neighbourhood of Granard.

5176. Had those political unions any connexion whatever with the disturbances that took place on the Duke of Buckingham's estate?—I believe not, they have been only lately got up.

5177. Do you consider that the tenants upon the Duke of Buckingham's estate had any just cause of complaint against him or his agent?—I think the contrary is the fact.

5178. And you attribute the whole of the disturbances that have taken place there to the conduct of the priests?—I do.

5179. You could not inform the Committee of any harsh proceedings on the Duke of Buckingham's estate that have taken place in your knowledge in the last few years?—If any did take place I should have known of it; I know of none.

5180. Are you aware of the time when the people were in great distress for want of food, and when an application was made to the Duke, and are you aware whether it was granted?—I am aware an application was made, but it was not granted, because the distress did not exist among the Duke of Buckingham's direct tenants, with the exception of two individuals, and those found means of relieving themselves before the agent came among them to make inquiry; for the agent did come to make inquiry in consequence of the application to the Duke.

5181. They were under-tenants of the Duke?—They were cottiers, and I have

no doubt they were in distress; but the Duke of Buckingham does not recognise them in relieving his tenants.

5182. Are you aware of any estate where the land has been much subdivided where there was not a great deal of distress, and if there was, must not that distress have been increased since the Sub-letting Act has been in operation?—No; on the Duke of Buckingham's property I believe it has been less since the Sub-letting Act has come into operation, and it is not subdivided in the manner alluded to.

5183. It is not sub-let?—No.

5184. Are there no poor upon it?—There are persons employed by the farmers, labourers and cottiers, beyond what they ought to employ; for it has been the Duke's wish not to have those persons increase on his estate.

5185. How many families may there be of that description?—I cannot form an idea.

5186. Are there 10?—I am sure there are.

5187. Are there 100?—I do not think there are.

5188. Are there above 50?—Not 50, nor anything like it, that could be in distress; because many of the farmers were able to relieve them.

5189. Did the Duke of Buckingham visit that estate during all that year?—No.

5190. Nor any of the family?—No.

5191. Can you tell the Committee when any of the family were there?—No; I am living there for 14 years, and none of them have come there during that time, I am on half-pay in His Majesty's service, and though I was born in the neighbourhood I was out of it a good deal with my regiment, but for the last 14 years I have been constantly resident there as a tenant of the Duke.

5192. Do you not think that the presence of the Duke of Buckingham or his agent upon his estate, would prevent the occurrences you have described; are you aware of any more effectual mode of preventing occurrences of this kind than the presence of the landlord and watching the proceedings of his agent?—I think if the Duke of Buckingham was resident that these attacks on his property would not be so likely to take place.

5193. Do you consider that a visit from the Duke of Buckingham to his tenants would have neutralized or paralysed the conduct of the priest?—No, I am sure it would not.

5194. Are you aware, from your knowledge of the usages of landlords in Ireland, whether it is or is not the custom of landlords in making grants to widows of tenants not to recognise cottiers or tenants brought in by the farmers as having claims, or are you aware that it is usual in Ireland for landed proprietors, if a tenant dies and the widow is in distress, to give her a cottage and land rent-free for her life; but that they make this distinction, that they do not recognise as claimants persons brought in as cottiers contrary to their consent?—I am aware that they do not; but that they are very indulgent to the widows of persons who die upon their estate.

5195. Was not there a serious affray at Castle Pollard, at which several of the inhabitants were killed, for which the police were tried?—Yes.

5196. Was not it the general opinion at the time that the police were precipitate in their conduct, and that there was nothing to justify the firing upon the people?—I have heard some people express that opinion, and many a contrary opinion.

5197. Are you of opinion there was sufficient to justify the firing, which lasted a considerable time?—It was my opinion; there was an attack made upon the police, which made it necessary for the police to defend themselves.

5198. Were any of the police injured upon that occasion?—I am not aware; I have heard that many were struck with stones.

5199. But not injured so as to detain them from service?—No, I believe not; I have good reason to know everything about that, for I attended the police trial at Mullingar.

5200. You saw none of the police disabled from doing duty?—I did not see any of them till a few days before the trial; they were taken out of the country.

5201. Did it appear at the trial they were disabled?—No, it did not.

5202. Were not you tried for a conspiracy?—I was.

5203. Will you state the circumstances?—I will. It was the Duke of Buckingham's agent and myself.

Alexander Walker,
Esq.
4 July 1832.

5204. Have the goodness to state the circumstances as briefly as you can?—I will state them, but I cannot do it very briefly. In consequence of this application you have heard of having been made to the Duke of Buckingham for money to relieve this supposed distress on his estate not being acceded to by the Duke, the priest levied a contribution on the poor, or set a subscription going, to enable him to go to England to present a petition to the Duke from his tenantry to be relieved from high rents, and to condemn the agent for not having given money to relieve this alleged distress. The Duke would not see the priest, and he returned very much disappointed. The orders I have alluded to for the non-payment of rent were given previous to this period, and on the priest's return it was talked of in the neighbourhood that a charge would be brought against the Duke of Buckingham's agent by a tenant of the Duke, and the priest took a very active part in preaching to the people on this charge. Some time afterwards I heard that I would be implicated in the charge; I immediately wrote to Mr. Fishbourne to come down to my part of the country, and call an investigation, and ascertain what the particulars of this charge were: he did come down, and we wrote to a number of magistrates, requesting their attendance at Castle Pollard to investigate this charge, the particulars of which we were not aware of at that time. We heard that an affidavit was offered to the magistrates at petty sessions to be sworn to by this individual, with the view of giving it to Mr. O'Connell, in order to its being mentioned in the House of Commons; the magistrates conceived it a very improper document to be submitted to them, and they refused to take it; but one particular magistrate said he would take it outside the house.

5205. You may name that magistrate?—Mr. Deece. Mr. Deece did take this affidavit, and I believe it was sent to Mr. O'Connell; but in order to enable us to meet this charge, the particulars of which, as I have stated before, we did not know, we wrote to this magistrate, requesting a copy of the affidavit, and he wrote an answer to say he had not a copy. A day was appointed for the investigation, and a great number of magistrates arrived, and to our very great astonishment this charge was brought, which had no foundation in fact, and we had nothing to oppose to it, but deny it as a most infamous falsehood. We requested the magistrates to take the informations upon it, and let it go for trial to the assizes. They did, and we appeared at the assizes. The trial went on; we called no evidence; the prosecutor broke down before he was five minutes on the table, and perhaps a more disgraceful defeat never did any conspirators undergo than that man and his abettor on that occasion.

5206. What was the purport of the affidavit?—The purport of it was, that, a year and a half previously to the period this charge was brought forward, Mr. Fishbourne gave the man money to get himself sworn in a Ribbonman, with the view of swearing against all the Duke of Buckingham's tenants as Ribbonmen, in order to enable the Duke of Buckingham and his agent to put Protestant tenants in their place, and drive them out of the country; that was the nature of the charge; I do not know that it was in those words.

5207. What description of person was it that made that affidavit?—A very low man; a very bad and improper character.

5208. The charge laid dormant for a year and a half?—Yes; the man was asked why he had not brought it forward sooner, or if he had ever told it to his priest, and his answer was, that the priest they had there was a very good man, but that he was a bad man for his parishioners; those are his very words; that priest died, and this priest I have been obliged to say so much of came into the parish, and on his being disappointed in getting this money from the Duke, this charge was set a going.

5209. Is it your opinion that that affidavit was got up at the suggestion, or by the interference of the priest?—I cannot take upon myself to say that, but I can take upon myself to say he took a very active part in prosecuting the affidavit; he attended when it was submitted to the magistrates, and he made an address to the magistrates on that occasion, and afterwards levied a subscription on the people to defray the expenses of the prosecution.

5210. Was the jury that tried your case an exclusively Protestant jury?—It was not.

5211. How many Roman-catholics were on it?—There were six Roman-catholics and six persons known by the name of liberal Protestants; the attorney for the prosecutor challenged 60 jurors to get those persons; the priest's father was attempted to be put upon the jury, and by our particular request he was put aside, for we had no right of challenge; he had the book in his hand ready to be sworn.

5212. You

5212. You have said that the priest levied a contribution upon the people?—*Alexander Walker, Esq.*

5213. What do you understand by levying a subscription?—He set a subscription going in the parish to prosecute us; there was a large subscription made.

5214. Do you not consider a suggestion from a priest to his own parishioners to subscribe for any given purpose would bear, in fair construction of language, the meaning of a levy; do you think that a man could with safety or satisfaction to himself refuse to pay it?—I believe he could not.

5215. Do you not believe that very frequently, not only in Ireland but in this country, individuals have solicited a subscription, and that their influence has been such as to induce people to subscribe where no sort of force, moral or physical, has been attempted?—To that question I will answer, that it is within my own knowledge that many persons have said in my parish that the chapel doors were shut on them unless they subscribed more than they were willing to do.

5216. For that object?—No, of a different nature.

5217. Of a purely spiritual nature?—No.

5218. Of what description were they?—One was to enable this priest to go to England to present a petition to the Duke.

5219. Was that one occasion upon which the chapel doors were shut?—I think not; I think it was the subscription to Mr. O'Connell.

5220. Had you that information from Roman-catholics that were present?—Yes, from those that paid it.

5221. Have you known instances in which subscriptions were levied upon Protestants?—I know that they have been applied to for it.

5222. Then this subscription you spoke of was not one of those forcible subscriptions to which you have referred?—I cannot take upon myself to say it was; but I think they were very much averse to subscribing.

5223. Do you not think that they were anxious that their grievances should be submitted to the Duke of Buckingham, and that no means could be better calculated for that purpose than sending over the parish priest?—I am sure that many of the tenants who had got into arrear, and were very bad tenants, were anxious to send him over, because they could not be worse off.

5224. Did any other persons subscribe among them than the tenants who were in arrear?—I believe they all subscribed.

5225. Was the sum considerable that was subscribed?—I cannot say.

5226. What induced those not in arrear to subscribe?—The directions of the priest.

5227. Do you consider that they willingly subscribed?—Some did, and many others did not.

5228. Have you any reason to think there was considerable reluctance on the part of some to subscribe?—Yes; some of the persons told me so.

5229. You have stated that the Duke of Buckingham, to your knowledge, had not been in the country for 30 years?—No, I did not state that; I said for 14 years, to my knowledge.

5230. And during the 30 years you have known the neighbourhood you have not heard of his visiting it?—No, I have not.

5231. You have stated that the priest has taken what we may conceive a very great liberty with this tenantry?—I am sure of it.

5232. Do you think this priest who takes this liberty with the people to assist them, or the landlord who for 30 years never goes near his tenantry, is most to blame?—I think that the priest is most to blame; I have stated that I was not aware there was any real grievance on the estate, consequently I think the priest was to blame for interfering.

5233. Then you conceive that the absence of the landlord for that period was not attended with any inconvenience to the tenantry, and that they were as well protected as if he had been there?—I conceive it was no inconvenience. I am aware if the landlord resided there he would naturally employ people about him.

5234. Have the goodness to give your reasons why you form that opinion as to the priest?—There was no real grievance on the estate, and I think the priest was wrong in interfering; his two predecessors for 30 years had not interfered, and the greatest harmony and good conduct existed in that neighbourhood on the part of the tenantry, and a respectful feeling to the magistrates and the landlord.

5235. Have any of the tenants been ejected on that estate?—A few.

5236. How many?—About seven or eight families.

5237. Were

Alexander Walker,
Esq.
4 July 1838.

5237. Were they actually turned out?—They were not.

5238. Do you hold land from the Duke?—I do.

5239. A considerable quantity?—Yes.

5240. What is your opinion as to the Duke of Buckingham as a landlord, to yourself and the other tenantry?—I have always considered him an indulgent landlord, and until this interference was made I have heard the tenants in other properties say they envied the Duke's tenants for their happiness, and previously to this interference I never heard any one tenant complain; some of them might have said the land was high; but they all admitted that he was an indulgent landlord and his estate managed with great humanity.

5241. Does not it often happen that the estates of resident landlords are more burdened with heavy rents than the estates of absentee landlords?—It does.

5242. Does not it frequently happen that the tenantry of resident landlords are in a state of comparative wretchedness and discomfort, compared to those on an absentee landlord's estate?—Yes, I believe that it is so.

5243. And that it is the system of management upon the estates rather than the absence or presence of the landlords that leads to the comfort of the tenantry?—I think it is the system of management of the estate, and its not being over-let.

5244. Will you state any particular cases in which you say the tenants of an absentee landlord are more comfortable than the tenantry of a resident proprietor?—I cannot state particular instances.

5245. Do you wish the Committee to draw the inference, that an absentee landlord is a benefit to the tenantry?—No, I do not.

5246. The county of Westmorseth has been disturbed of late?—Yes.

5247. So much so, that the magistrates of the county thought it necessary to forward a petition to the House of Commons, calling for additional force of law to suppress it?—I heard that they did.

5248. Do you think that the case was such as to call upon Parliament to enact further laws?—I think, in the disturbed state of the county, some law to put down the disturbance was necessary.

5249. Of course there were none of the Duke of Buckingham's tenantry engaged in those disturbances?—There were.

5250. I thought you said that the estate was so well managed that the tenantry were quite happy and contented?—Yes, until two years ago.

5251. You stated that a change took place in the conduct of the people in that neighbourhood immediately consequent upon the arrival of Mr. Burke?—Yes, a few months afterwards.

5252. Besides transporting out of the parish the priest whom you consider the root of all the evil, is there any other remedy you would suggest to the Committee?—I am not a competent judge to point out any remedy to alter the laws.

5253. Do you consider that the state of the law at present is sufficient?—I think if you could by any means induce the priests to confine their attention to their spiritual duties, and you could come at those itinerant demagogues that are going about the country living and trading upon agitation, I think there would be some hope of the country being restored to a state of quiet.

5254. You were asked whether you thought the present laws sufficient to preserve the tranquillity of the country, and you said it was desirable to put down agitators; do you think the present state of the law is sufficient to preserve tranquillity?—I think I did answer that, that if you could induce the priests to turn their attention to their spiritual duties, and do anything that could reach the itinerant demagogues living and trading upon the people, that the laws as they are at present ought to have a fair trial.

5255. You think the laws at present are sufficient, but that they are interfered with by those itinerant demagogues?—I do not say that the laws are sufficient, but that they ought to get a fair trial. I do not consider myself competent to point out measures of so great importance; my view with respect to those demagogues is, that they ought to be made to respect the laws; it is for you gentlemen of the House of Commons to make laws; I have always considered it my duty to obey them, and induce others to do so.

5256. Is it the fact that there are itinerant demagogues connected with the late disturbed state of the country, who are going through the country exciting the people?—There are a great many such persons connected with the disturbances, and I think there are itinerants that come under the character of broken-down shopkeepers and persons of no character, and they do appear to be allowed

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to go great lengths in addressing the people, and exciting them to improper conduct. *Alexander Walker, Esq.*

5257. Is that system extending and going through the whole of the county?—Not in my part of the county, but very near it.

5258. Have there been any informations laid before magistrates, or any steps taken by the local magistrates to arrest those persons you allude to?—I am not aware that the magistrates consider themselves as authorized by law to stop those illegal meetings and arrest those persons.

5259. Have those persons violated the law in any respect?—I do not know, whether you call exciting the people to hatred of the law a violation of it, but they have done that.

5260. Those persons go through the country exciting the people?—They do.

5261. They meet in congregated numbers when they go through the country, and speak in public openly to a great number of persons assembled?—They do.

5262. Is it not the duty of the police of the county to attend all those meetings, and have they not the power of reporting and giving information upon oath against any persons who use treasonable or seditious language at meetings?—They have, but I am not aware that their reports have been attended to.

5263. If a policeman in your part of the country went to a public meeting where this kind of language was used, and came forward to prefer an affidavit as to the nature of the offence committed, are not the magistrates of the county ready at all times to hear those complaints, and put the laws in execution against those persons?—I believe that they are; and I have heard that some of the magistrates did report those things to the Government, and that no notice was taken of it; I have heard so, but cannot speak positively to the point.

5264. Have you heard it spoken of that members of his Majesty's Government have countenanced those meetings?—That is the general impression in my neighbourhood.

5265. Was that impression sufficiently extended to deter magistrates from acting?—I believe such is the feeling of the magistrates that they are not supported when they make reports.

5266. What meetings do you mean?—Political unions and tithing meetings.

5267. Are there any political unions in your county?—Not in my immediate part of the county, but in my immediate neighbourhood, in the adjoining counties, there are; my neighbourhood runs into three counties, Cavan, Westmeath, Longford, and also into Meath. I am just at the lower end of the county, and consequently what occurs immediately in the other counties I have a general knowledge of, as well as what occurs in the county I live in.

5268. Are the meetings you allude to illegal meetings?—I really cannot answer that.

Jovis, 5^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Alexander Walker, Esq. called in; and further Examined.

5269. HOW long have you resided in Westmeath?—Fourteen years.

5270. Whose property do you live upon?—The Duke of Buckingham's.

5271. Is that a well-managed property?—Yes, it is.

5272. Have any tenants been ejected from properties in that neighbourhood?—Ejectments were served on some tenants of the Duke of Buckingham, which I spoke of yesterday.

5273. On any other properties?—I am not aware of any in the immediate neighbourhood.

5274. There have been disturbances in the neighbourhood of Castle Pollard?—Yes.

5275. Do the lower classes near Castle Pollard imagine justice was done at the time of the Castle Pollard transaction?—I am not aware that they are not satisfied, and I think they have every reason to be satisfied.

5276. Are they satisfied?—I think they have been taught to think otherwise.

P P 3

5277. By

Alexander Walker, Esq.

5 July 1832.

Alexander Walker,
Esq.

5 July 1832.

5277. By whom?—By the priest of the parish; I have understood so; I cannot speak positively to the point.

5278. Do you think they would have been satisfied if he had not interfered to prevent their being so?—Indeed I cannot say that they would; there was a great loss of life on the occasion, and a great deal of excitement; I cannot say how much their minds might have been satisfied by the result of the trial: I think if the police had been found guilty they would have been more satisfied.

5279. Then they thought the police guilty?—I am satisfied that many of them did not; I have heard them say that it was the blackguards themselves that brought the resistance of the police upon them.

5280. You are adopting the words made use of by the people themselves, and not your own?—Yes, certainly.

5281. You say that the disturbances on the Duke of Buckingham's property were owing to the interference of the priest?—I think so.

5282. Are there other properties in the neighbourhood belonging to absentees?—There is one.

5283. Have any disturbances taken place on any of those properties?—I am not aware of any.

5284. Does Mr. Burke's influence extend over those properties?—Over Major Ormsby Gore's it does.

5285. No disturbances have taken place on those other absentee properties?—I am not aware of what disturbances might have taken place; I only speak of my own immediate neighbourhood; I beg to confine myself to that.

5286. If Mr. Burke's influence extends over those properties, why does not it produce the same effect?—I cannot answer that question.

5287. You are not aware of any disturbances having taken place on other properties?—There may have been; I am not aware of it; I live in a very retired situation; I am not a magistrate, or in a capacity to go beyond my immediate neighbourhood.

5288. You are fully aware, in your retirement, that disturbances took place on the Duke of Buckingham's property?—Yes, I am, because I live upon it.

5289. If any great disturbances of a marked nature had taken place in the neighbourhood should you not have learned it?—I did hear it, now that you have called the thing more to my recollection. I am aware that arms were taken up, upon the estate of Major Gore; houses were attacked and arms taken.

5290. When was that?—The winter before last.

5291. None this winter?—I am not aware of any.

5291. You stated yesterday that you believed the people were naturally quiet in their habits, and well-conducted in every respect?—Previous to about two years ago; I will tell you as far as my recollection goes; I confined myself to two years in my answer.

5293. Do you think it was in the power of one individual to change the habits and character of the lower classes residing under his influence?—I think that his influence was so very great that those violent exhortations held out to them would have a great effect.

5294. You think that a people, quiet in their habits, were likely to submit to such a man?—Yes, to a priest, his influence is so great.

5295. You are aware that before Mr. Burke went to Castle Pollard he resided at Athboy?—Yes, I heard so.

5296. Did you hear of any disturbances there while he was there?—I heard that the parish was in a very disturbed state while he was there; that such a report preceded him before he came to us; and for some time after Mr. Burke arrived everything went on very quietly near me, and we really considered he had been misrepresented; but in a few months, unfortunately, all this trouble and confusion broke out.

5297. What was the first act in which Mr. Burke evinced the character you have described?—The resistance to the payment of rent was the first thing.

5298. What was the first act of Mr. Burke you would describe as tending to alter the state of the country?—Preaching against the laws and institutions of the country, and the noblemen and gentry of the country.

5299. Have you known that to have any effect against those gentry, or in the management of their properties, except the Duke of Buckingham?—Yes.

5300. In which?—There was a partial resistance to the payment of rent on Major Ormsby Gore's property; and if the Duke of Buckingham's tenants had succeeded

*Alexander Walker,
Esq.*

5 July 1835.

succeeded in holding out against the payment of rent, I think many others would have followed the same. I do not say that Mr. Ormsby Gore's tenants had turned out, but they said they would; they pay rent, but they do not pay up; there is that feeling amongst them, they will pay what they please.

5301. There was no difficulty in obtaining a conviction against those men who were guilty of the conspiracy at Mallinagar?—I am not aware of any; I was not present.

5302. You are aware that the men have been imprisoned for it since?—I am.

5303. You are aware it is the general habit of clergymen of both persuasions to attend public meetings in Ireland?—Not of both persuasions; I have not heard lately of any Protestant meetings, or any Protestant clergymen attending.

5304. Do you read the Evening Mail?—Yes.

5305. Have you not seen in it speeches of Protestant clergymen tending to disturb the state of society?—There have been none in my neighbourhood that I am aware of. I have said that Mr. Burke excited the tenants of the Duke of Buckingham to the commission of that act, out of which I think grew this disturbance. I am far from charging him with desiring the people to do any unlawful act beyond what I have stated; he certainly did collect them at Castle Pollard to witness the intended sale of cattle there, the particulars of which I have already explained.

5306. Would you wish to see the Insurrection Act re-enacted?—Indeed I do not know what the provisions of the Insurrection Act are.

5307. Have you ever seen it in operation?—I never have; and I have said here yesterday, that I thought, if certain measures were adopted, the laws ought to get a fair trial.

5308. You stated, yesterday, you attributed the whole of the disturbances that had taken place to the conduct of the priest; is that your opinion?—I have already explained that; the excitement caused by him led to the commission of one act, and many of those disturbances grew out of it.

5309. Were there no other grounds or causes of discontent in the country similar to those that produced disturbances in other parts of the country, and which might have produced them if no priest existed?—I am not aware of any.

5310. Was not there great distress in the country?—Yes; there was great distress two years ago.

5311. Great want of employment?—Yes; that has happened everywhere in Ireland.

5312. And some persons dispossessed of their property in consequence of not being able to pay rent, or wishing to turn their land to grazing?—I am not aware of any.

5313. Were not there persons dispossessed by Mr. Rotherham, in your neighbourhood?—It is not in my neighbourhood. I heard there were people dispossessed, but they have been quiet.

5314. Supposing all those facts to have occurred, do you not think those are sufficient causes for disturbance, and likely to make the peasantry discontented, without the interference of the priests?—I am sure they would make them dissatisfied; but I do not see why a landlord should not have the power of dispossessing a bad tenant who did not pay rent.

5315. Suppose you were dispossessed, and had a large family, and had no place to go to, should you not be a discontented person?—I might be discontented, but I should not commit a violation of the law.

5316. You are an educated person, but if you were uneducated, and your passions uncontrolled, do you not think your feelings would excite you to commit an act of outrage upon the person who inflicted the injury upon you?—I might be the more ready to do so.

5317. Are you acquainted with the practices or principles of the Catholic religion?—Very little beyond what I have stated here yesterday. I have said, I believe that the strictest obedience to the priest is always inculcated.

5318. Do you believe that to be a principle of their religion?—I do.

5319. Should you be much surprised if you heard it was not a principle of religion among the Catholics?—I do not know that I would be much surprised.

5320. Supposing you were told that the obedience of the Catholic laity to the Catholic priesthood is merely in matters of religion solely, but that in temporal matters they are as independent of them as the Protestant is of the parson?—

Alexander Walker,
Esq.

5 July 1832.

It is not so with the lower orders; I am sure that impression is not on the minds of the lower class.

5321. You have stated that the Catholics conceive it a point of religion not to prosecute a priest?—I am very sure that the lower orders do.

5322. Did not a Catholic gentleman in Westmeath prosecute a priest at Mullingar, without suffering any of the inconveniences which you describe would occur to any person who prosecuted a priest?—I have confined myself to the lower orders; I am aware there was the prosecution that you have alluded to, but I believe he did suffer inconvenience from it.

5323. Can you describe any one single inconvenience he suffered in person or property in consequence of that interference?—No, I cannot; I live a great way from that gentleman, Sir Percy Nugent, who is, I believe, as good a magistrate and country gentleman as any in Ireland.

5324. You heard he prosecuted a priest?—I have heard he did.

5325. Are you aware he suffered anything in person or property in consequence?—I heard he suffered a good deal of annoyance in consequence.

5326. Have you not heard of instances in which Catholics of the lower class have given evidence against the priest?—I am not aware of any.

5327. Are you aware, on the trial just alluded to, that Catholics in the lower class of life gave evidence against the priest?—I am not aware of the particulars of that trial.

5328. You stated, as a general principle, that Catholics conceived it contrary to religion to prosecute a priest?—I believe so.

5329. Instances are now stated of Catholics of the higher and lower orders having done so; does not that go to show you that the statement which you made yesterday of the opinions of Catholics on that subject were likely to be unfounded?—I am not aware of the particulars of the trial alluded to; I did not know it till it was mentioned this moment that any Catholic of the lower class had prosecuted a priest there.

5330. Speaking generally, you having heard this fact, and admitted the fact, does not it go to do away with your statement of yesterday, that it was contrary to the religion of the Catholics to prosecute a priest?—I am still of opinion that the Catholics of the lower orders will not prosecute a priest.

5331. Notwithstanding the ease stated to you of the lower orders having done so?—Notwithstanding that.

5332. Do you consider that a man appearing as an evidence upon a prosecution instituted by another is to be considered as the prosecutor himself?—Certainly not.

5333. Have you ever known Protestants go to a Catholic place of worship?—I have known it in my own case; I went to one last Sunday.

5334. In Ireland is it the practice?—I believe not.

5335. Have you ever known of Protestants going to a Catholic place of worship in Ireland?—I believe not, except military officers.

5336. Do you believe that a Protestant would be murdered if he went to a Catholic chapel?—In times of great excitement if he was found there, and it was supposed it was to hear any address to the people relative to that excitement, I think he would be in great danger.

5337. You stated if you went into a Catholic chapel you thought you should not come out with your life?—That was the particular time I alluded to, when the priest was preaching against me, and holding me up as a person unworthy of the confidence of the people, and unworthy to be associated with by them; in fact, looking on me as a monster.

5338. What pretext or reason could the priest give for speaking of you in this way; had you committed any act?—I had committed no act, and he had no just reason.

5339. Were you in the habit of expressing the opinions you have expressed here, in the presence of Catholic peasantry?—No, I was not.

5340. Supposing you had been in the habit of expressing those opinions about the Catholics and Catholic religion that you have expressed here, would not that be sufficient to excite a feeling against you?—I am sure it would; but I have not done so, and I have been on very good terms with my Catholic neighbours at all times, and in habits of intimacy with the predecessors of this priest.

5341. Do the people obey the priests in all things?—I think they obey them,

in a great many things; I am not aware that there may not be something they do not obey them in, but as far as my knowledge goes, I think they do.

5342. You say you attribute the disturbance in the country to the conduct and preaching of Mr. Burke?—I have already explained upon that particular question.

5343. Do you suppose if Mr. Burke or any other priest desired the people to pay tithes, or do that which the people did not like to do, that they would do it because he bade them?—I am satisfied if the priests exerted themselves to induce the people to pay tithes they would do it.

5344. Have you found that the priests have ever endeavoured to get the people to do an act that they have not been able to get them to do?—I have heard of it.

5345. Have you heard of instances at Westmeath, upon a contested election, where the priests endeavoured to get the freeholders to vote in a particular way, and where they voted in spite of them?—I am not aware of it; I never attended a contested election in my life.

5346. I allude to an instance in the town of Coole?—I never heard of it.

5347. You stated that the Catholic peasantry and Catholic clergy were formerly on very good terms with you, and that you were popular?—Yes.

5348. And you attribute the reverse now to the conduct of Mr. Burke?—I do.

5349. Had you any difference with Mr. Burke that could induce him to take that line of conduct?—No.

5350. Then the singling you out must be a mere act of personal malice, without any motive?—I do not know his motive; I never gave him any reason in any way.

5351. You said just now you believed it was a principle of the Roman-catholic religion (confining yourself to the lower orders) to give obedience to the priests in all matters, generally speaking?—I do.

5352. That principle has been disputed in some degree; is it, or not, the practice of the lower orders to give obedience to the priests?—Yes, I have heard so, that they are bound to obey them.

5353. In the account you have given of the disturbances in your neighbourhood, you were asked why you attributed to priest Burke those disturbances, and you have stated he had called upon the tenants not to pay rent to the Duke of Buckingham's agent or himself, and you have stated you did not attribute to Mr. Burke any advice to the people to act contrary to the law, or words to that effect?—Yes, I did; but as to the latter part of the question, I have already explained how far his advice was likely to lead to violation of the law.

5354. Are you aware of Mr. Burke having made on various occasions inflammatory addresses to the people, instigating them to act contrary to that system that bitherto had prevailed in the country when it was peaceable?—I am sure that the result of those inflammatory speeches was calculated to excite the people to a disobedience of the law.

5355. You were asked if it was not the case that clergymen of all religious persuasions were in the habit of attending meetings, and you have stated that you do not know that the Protestant clergymen were; do you mean to include within your reply meetings for Bible societies and religious purposes, or do you mean to say that the clergymen were not in the habit of attending political meetings?—I never knew them attend any political meetings in my neighbourhood; none have been held in it for a considerable time; at Bible meetings they consider it their duty to attend.

5356. Are any of the clergymen in your neighbourhood members of the Brunswick club?—In Westmeath I do not know but there may have been, but as to Brunswick clubs I do not know of there being any such now.

5357. Are you a member of that club?—I attended a meeting of that club.

5358. You are what is called vulgarly a Brunswicker?—If that constitutes one.

5359. You have said that the priest held you up as a monster, and that you could not go into the chapel with safety; could you state one fact, from your own knowledge, or the hearing of others, to justify that opinion which you have stated?—I stated it as a matter of opinion.

5360. Was it your meaning that such language had been held of you by the priest, or was it in case he should do such a thing it would not be safe for you to appear in the chapel?—He preached against me in the chapel, and in consequence of the excitement of the people against me I should not consider it safe to go to the chapel.

Alexander Walker,
Esq.
5 July 1832.

5361. When did this take place?—I think it commenced either about October or November 1830, and it took place very often afterwards.

5362. You became a member of the Brunswick club in the year 1828, or attended a Brunswick meeting?—I attended a Brunswick meeting at the time they were just formed, but not afterwards.

5363. You never attended a second time?—No; it was a county meeting, called and presided at by Lord Castlemain.

5364. The object of this meeting was to prevent the passing, as far as they could, the measure you are familiar with, called the Catholic Emancipation?—Yes.

5365. It was upon that occasion when the late administration turned round upon their former friends and passed the measure?—I conceived it was the duty of every one to obey the law when it was passed.

5366. Do you not think in joining the Brunswick clubs, thereby declaring hostility, as far as political rights went, to your Catholic countrymen, you gave cause at least for stronger expressions to be made use of by the Catholic portion of your countrymen, and amongst them the priesthood, and which would justify it in a considerable degree?—For a considerable time after the Brunswick meeting I have stated I have been in habits of friendship with Roman-catholic priests, and popular with the people.

5367. How long has Mr. Burke been in that parish?—About two years and a half; I may err a few months one way or another.

5368. The society of Brunswick clubs was established in 1828; certainly not later than that year?—I cannot call to my recollection.

5369. You can pretty nearly recollect?—I think about that time.

5370. Then this society was established previous to Mr. Burke taking this active part?—Previous to his coming to the parish.

5371. How could you know, if you did not attend the chapel, that Mr. Burke was in the habit of preaching against the gentry?—I heard it from the people after mass. I laid an affidavit on your table yesterday, and I was asked if I had any corroborative evidence of it. I had at that time another affidavit in corroboration of it, but I was unwilling that the name of the person should be brought before the public; but I have re-considered the thing, and, if you wish it, I am ready to lay it on the table.

[*The Witness delivered in the following Affidavit :*]

(Copy.)

"County of Westmeath,} Samuel Cheevers, of Tullyhill, in said county, came
to wit, } before me and made oath on the Holy Evangelist, and
saith, that on Sunday the 10th of October last, of Tullyhill,
came into deponent's house soon after the celebration of mass at the chapel, and told
him that Mr. Burke, the priest, gave Mr. Fishbourne, the Duke of Buckingham's
agent, the greatest abuse in the chapel, and ordered the Duke's tenants to pay no
more rent to Mr. Fishbourne, as he, Mr. Burke, did not think it safe for them to
pay rent to such a person; further told deponent that the priest
said they would soon have a Lloyd on the Duke's estate, alluding, deponent
believes, to the forcible possession taken by the peasantry of the county of Meath
of the commons of Lloyd, near Kells: deponent further says that
of Tullyhill, informed him, on the 12th of October, that the priest had so expressed
himself in his address to the Duke of Buckingham's tenantry on the Sunday
before.

"Sworn before me, 20th November 1830.

"T. Pakenham."

"Samuel Cheevers."

5372. You have handed in an affidavit, sworn to by a person of the name of Cheevers; is he a Protestant?—Yes, he is.

5373. How did he derive his information upon which he made that affidavit?—From two Catholics; he states that.

5374. Were there any Bible society meetings held in your neighbourhood in the last two years?—Not in my immediate neighbourhood. I will state the circumstances that led to these affidavits: there was a petition presented to the
House

House of Commons by Mr. O'Connell from a part of Westmeath, that was relative to this agitation on the Duke of Buckingham's property, but the particulars I cannot call to my recollection; the Marquess of Chandos got up, as the papers represented, and contradicted the statement set forth in the petition, and said it was owing to the priest's interference that the disturbances about there had taken place: Mr. O'Connell is made to say upon that occasion, that he would have a petition from the priest to inquire into his conduct; then the Marquess of Chandos desired his agent, who was here, to write to any person on the estate who could get documentary evidence of what he had stated in consequence of that petition; the agent was here, and he wrote to me, and those affidavits were prepared to enable the Marquess of Chandos to meet any petition that might be presented.

5375. After the exertions of the agents were employed these two affidavits were obtained?—It was; I got these affidavits.

5376. You have handed in two affidavits, and you have stated the reason you applied for them; you called upon the parties to make them?—I did; I was aware they knew the substance stated in these affidavits; one is the bailiff of the Duke of Buckingham, and the other is a man who had acted in a minor capacity in that way occasionally for him; he had assisted in carrying messages, or something of that kind; he is a respectable Protestant.

5377. In point of fact, this was a voluntary duty on your part, in order to serve the Duke of Buckingham, and in order to enable the Marquess of Chandos to make a counter-statement to anything that might be said on the other side?—Yes, after I was written to, to obtain any documentary proof I could.

5378. This individual did not come forward voluntarily, but was called upon by you to do so?—I knew the man was in possession of the information, and was ready to prove it.

5379. Have you heard from other Roman-catholics yourself that such statements were made?—Yes, a great many.

5380. Those two men were employed by the Duke?—One of them is the Duke of Buckingham's bailiff, and the other man has occasionally gone on messages for the agent.

5381. You have stated that there was no cause on the Duke's estate and the adjoining estates for disturbance?—I stated I was not aware of any cause of complaint.

5382. Were you aware of any disturbance?—Yes.

5383. What disturbance?—Taking arms and beating people at night, and those things.

5384. You are aware there was a petition presented to the House of Commons in the course of this year from your county?—I have heard of it.

5385. Did you sign that petition?—No, I did not; I was not called upon.

5386. Did you agree with the terms of that petition?—I was not aware of anything about it till it was sent in, but I was perfectly convinced that the laws were at that time a complete dead letter there.

5387. You were not aware of the petition going forward, and you did not sign it, but you thought the laws were a dead letter?—It was a petition of the magistrates, and I was not a magistrate.

5388. It was a petition got up in the town of Mullingar, of which nobody knew anything but the magistrates?—I do not know the circumstances.

5389. You mentioned just now you had attended one Brunswick meeting?—I did.

5390. Do you consider that the ill-will of your Roman-catholic neighbours was in the most remote degree attributable to the circumstance of your having attended a meeting of the Brunswick club?—Most certainly not; I stated I was popular with my neighbours for a considerable time afterwards.

5391. You have said that the laws were a dead letter; what was the cause of that; was it the want of mutual confidence between the magistrates and the people?—I have mentioned instances in which they were a dead letter; there was no such thing as carrying a sale for rent into effect.

5392. Does this mutual confidence between the magistrates and the people exist now?—No, not in my neighbourhood?—and I have stated the cause of it.

5393. Do you think that it is less now than it was?—Yes.

5394. Do you think, if more arbitrary measures were enacted, to give more power to the magistrates, that that would tend to increase that confidence?—I am not competent to speak to that.

Alexander Walker,
Esq.
5 July 1832.

Alexander Walker,
Esq.

5 July 1832.

5395. Are the Committee right in supposing that both the affidavits laid upon the table were made at the suggestion of the agent through your instrumentality, for the purpose solely of rebutting what was said in the House of Commons?—That was the cause given to me, that it was to enable the Marquess of Chandos to prove, by documentary evidence, the truth of what he had stated.

5396. Are you aware, before you called for those affidavits, you had heard from any Roman-catholics, in any numbers, that priest Barke had made those inflammatory addresses to which the affidavits refer?—It was generally known in the country; I heard it from many Roman-catholics.

5397. Did you ever hear that the conduct of the priest was very narrowly watched, and that there were persons employed to watch him?—I never did; there were many speeches he made I never heard of, but in general I did; there was a servant in my own house that used to tell me, and many other Roman-catholics used to tell me, but none of them would come forward. I asked some of them to come forward, but they said, No, he would hunt us off the face of the earth if we did.

5398. Both the individuals who made the communication to Cheevers which enabled Cheevers to make the affidavit were Roman-catholics?—They were.

Veneris, 6^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

William Fishbourne, Esq., called in; and Examined.

William Fishbourne,
Esq.

6 July 1832.

5399. YOU are agent to the Duke of Buckingham's Westmeath property?—I am.

5400. Do you constantly reside on the property?—Not at all; I reside in the town of Carlow.

5401. Within what distance is that?—I suppose about 50 miles from the Westmeath estate.

5402. You are in constant communication with the property?—Certainly.

5403. It has been stated by former evidences that that property has been considerably disturbed, owing to various causes; are you prepared to give evidence as to the origin of those causes, and the extent of the disturbance produced by them?—Yes, I think I am.

5404. Will you state your opinion with respect to the origin of the causes, and also the extent to which the disturbance produced by those causes has extended?—The beginning of the disturbances was caused by a petition being forwarded to the Duke of Buckingham from the tenants, stating that considerable distress existed on the estate, and praying for relief.

5405. What was the date of it?—I cannot say what was the date.

5406. About the time?—I should think from a year and a half to two years back, but I cannot be particular as to the date.

5407. Was this petition got up by the tenantry of their own free will, or were they prompted to it by persons not immediately connected with the property?—I should rather think they were prompted to it by Mr. Barke, their parish priest.

5408. State any circumstances that may have come within your knowledge corroborative of that opinion?—He wrote a letter to the Duke of Buckingham himself, and forwarded the petition along with the letter.

5409. Was this subsequent or antecedent to the petition you allude to?—It was with the petition he wrote a private letter.

5410. Have you any reason to believe he assisted in framing the petition?—I should rather think he did.

5411. What was the nature of its contents?—Stating their distress and praying for relief.

5412. Did they ascribe the distress to high rent, or to other casual circumstances?—They complained of want of food in many instances, and, as well as my recollection serves me, they also spoke of high rents, which they were unable to pay.

5413. You are able, of course, to speak to the circumstances of those parties; is it a fact that they had just reason to complain of the rent?—In a few instances, in which they were relieved as to the rent.

5414. In

5414. In how many instances?—I should think about half a dozen on the whole of the estate.

5415. In those cases the circumstance was looked into and an abatement given;—Yes, at my suggestion, by the Duke of Buckingham.

5416. Was there any other cause of distress, incident to that particular part of the country, of which they could justly complain?—There was a general distress through Ireland at the time.

5417. Was this during the period they were raising subscriptions in this country for the relief of distress in the west?—Yes, I think it was; there were two periods in which they were raising subscriptions here for Ireland.

5418. I refer to last year?—It was the last year, to the best of my recollection.

5419. Was it in any degree traceable to the failure of the potato crop?—I do not think it was on that estate.

5420. There were cases of distress of a character similar to those that are always occurring?—Yes, a few.

5421. You state that the first appearance of the discontent and disturbance was connected with the petition sent over by the tenantry, in conjunction with priest Burke's letter to the Duke of Buckingham?—That was the first I knew of it.

5422. What course did they take afterwards?—The Duke sent the letter and petition over to me, and required my report thereon. I wrote to the Duke to say, I was rather astonished to hear of any distress existing on his estate, as I had only just returned from it, and I thought if such a thing did exist, I should have heard of it when upon the spot, but that I would make more particular inquiries relative to the distress and report again upon it. I did go there, and made as particular inquiries as I could; and I did not conceive that what I heard would warrant the Duke's interfering.

5423. Were there any other steps taken upon that petition?—Of course a refusal on my part, as desired by the Duke of Buckingham, to consider anything more about it, or to take any steps to give relief.

5424. Have you found the Duke of Buckingham willing to entertain all reasonable causes of complaint, and to better the condition of the tenantry?—His decided directions to me at that time were, if I found distress on his estate to relieve it, according to my own discretion.

5425. You were entrusted with a discretionary power to relieve distress, to the extent it existed?—Yes.

5426. It would seem to follow from that, that the Duke of Buckingham is an indulgent landlord?—I think he has a right to be considered so.

5427. You are able to speak of the comparative charge; I speak in reference to rent on the Duke's property and the surrounding properties; do you think there is any just reason to complain of the Duke of Buckingham as a landlord on the score of rent?—I know that the rents on that property are much under the rent of the adjoining one.

5428. Have you ever heard any wish expressed by the tenants of the adjoining property to be connected with the Duke of Buckingham?—Not that they should wish to be connected with him.

5429. Have you heard them express their envy at the Duke's tenants?—Yes; and I have heard one person say that he considered the tenants of the Duke much better off.

5430. It would appear, from what you have stated, there was no just cause of complaint at the time that petition was forwarded to the Duke of Buckingham?—Decidedly I think not.

5431. And that but for the exertions of priest Burke, no such petition would have been got up by the tenants?—I do not think that there would.

5432. Are you aware that Mr. Burke afterwards visited England upon the same subject?—I know he did.

5433. Did he carry with him a second application, sanctioned by the tenantry, or was it a visit undertaken upon his own responsibility?—I believe he carried a second petition of some nature or another.

5434. Did you hear any particulars of the nature of that petition?—I certainly did see the petition, and it ran in the same strain as the other.

5435. Was it from the same parties, or of a more general character?—From the same parties.

5436. Had you previously inquired into the few cases of distress where you thought it necessary to make an abatement of rent?—The abatement of rent was

William Fildes, Esq.
6 July 1835.

one thing, and the distress, as they called it, was another; as to the abatement of rent, I brought that question before the Duke when I was over here myself.

5437. That was previous to Mr. Burke's visit to England?—I think not; but I cannot be certain.

5438. You have now accounted for what you consider the origin of the discontent upon that property; to what extent has it proceeded?—A refusal to pay their rents, and decided opposition to me, as the Duke of Buckingham's agent, in every way that they could.

5439. A refusal to pay rent generally?—With a few exceptions; there were a few who did pay.

5440. What resolution did the tenantry adopt to show it?—Not to come near me.

5441. Did they hold any public meetings?—I do not know.

5442. Was there any address delivered to them in chapel, recommending that course?—I heard that they were desired not to pay rent to me.

5443. Did you hear it from persons who had heard it in chapel?—Not immediately.

5444. Was the information such as you could credit?—Yes, certainly.

5445. That was the general report in the neighbourhood?—Yes.

5446. Have you ever heard it denied by any one?—I cannot say I did.

5447. Then how did you at first discover that the tenantry had made their minds up to oppose the payment of rent; was it by actual refusal to pay rent to yourself?—When I went to collect the rent, they did not come near me as usual; I then sent the bailiff to them, to tell them to come in and pay their rents; some of them told him they would not come, and others said they dare not come; in fact, they did not come, except upon one occasion, when they came in as a body; they sent into the house where I was, (Mr. Walker's) to say they wanted to speak to me; I sent them out word, if any individual tenant or party of tenants wanted to speak to me, let them come in as usual, and I was ready to hear them and answer them; but I would never go forward to meet a body coming in that improper way to me; that I did not consider it consistent with my duty, and would not go out; they then retired, and did not come near me afterwards.

5448. You had no communication with them?—Not personally.

5449. Did you learn through the bailiff the particular reason why they refused to pay the rent?—They alleged that they would not pay the rent without an abatement.

5450. In what number did they come at that time?—I saw that body, and I should suppose there were from 40 to 50 of them together.

5451. The principal tenants of the estate?—I should think they were; I was not very near them, but I should think they were.

5452. You spoke of some who expressed their reluctance to come, on the ground that they were afraid to come; have you reason to believe that intimidation was used to prevent the well-disposed paying their rent?—Yes.

5453. Are you acquainted with the private opinions of that part of the tenantry?—I had communication with many of them, both during the disturbances and afterwards; I mean the well-meaning part of the tenantry, and they always seemed sorry that such a thing should be going on, and said that it could not end well, and they did not know what was the matter with the people, or what they were about, but "that the devil had got into their hearts" was the expression they made use of, and that it was a bad thing for a landlord and tenants to be fighting.

5454. Did they ever complain of the interference of Mr. Burke?—No, I do not think they did.

5455. Did they express themselves unable to resist the general opposition?—Yes.

5456. In fact, they were afraid to run counter to the resolutions taken?—Yes; and one particular tenant who has paid me told me he had been threatened for so doing.

5457. Do you think the intimidation was carried to such an extent as to prevent the well-disposed from paying their rent?—Yes, certainly; they said so, and did not pay it.

5458. That is rendered it unsafe for them to do so?—Yes.

5459. You have stated your opinion with respect to the distress, that there was nothing

nothing at that time unusual or general?—I do not think there was anything to call for the particular interference of the landlord.

5460. And the distress was not greater upon that particular property than the surrounding properties?—No, not as great; I know of many instances of tenants selling the meal they had over what would be sufficient for the supply of their families; many instances of it on the Duke's estate.

5461. Do you happen to know whether petitions of the same character were forwarded to the Duke from the rest of his property?—There was a petition from his Longford estates.

5462. To the same purport?—Complaining of distress and praying relief.

5463. Did you hear how that petition had been got up?—It was certainly signed by the tenantry; I have no reason to know how it was got up exactly; it came from the tenantry, and was sent over in the same way by the Duke to me.

5464. Have you charge of that property too?—Yes.

5465. Were his directions the same as to that property?—Yes, his directions were general; and finding, on inquiry, that there really was distress there, I gave relief.

5466. Were there any complaints upon that property as to the rents?—On the Longford property the petition did not mention anything about rents.

5467. What is the general character of the peasantry upon his Grace's property?—Previous to this disturbance I never knew a more peaceable and orderly people.

5468. Do you consider them, upon the whole, a respectable class of tenantry?—Certainly.

5469. And till the origin of these disturbances a peaceable set?—They were proverbial for it.

5470. Is it your opinion, if the reported interference of Mr. Burke had not taken place, they would have continued so?—Yes.

5471. You ascribe it to his interference?—Wholly to him.

5472. And the ill advice he gave, and the officious part he took?—Yes, I do.

5473. How long have you been concerned upon that property?—Between five and six years.

5474. Are you acquainted with a sale of cattle at Castle Pollard on the score of rent?—The sale did not take place; I had a seizure made, and the cattle were brought there, but the sale did not take place.

5475. Owing to what?—Intimidation.

5476. How was that intimidation exerted?—By congregating the peasantry for miles round.

5477. Who were the agents employed in congregating them?—I cannot say, but Mr. Burke and his curate were at the head of the people that came in that day.

5478. Did they address them?—The bailiff told me they did; I did not hear them; I was in the house.

5479. In what terms?—Saying it was a shame for the cattle to be brought to that; it was not a fair place for the sale; that they could not get fair play; and calling upon them to crowd up the gate of the pound, so that they could not get the cattle out.

5480. Are you of opinion that the circumstances you have stated were the causes of defeating and disappointing the sale?—Undoubtedly.

5481. You were in the charge of that property before Mr. Burke became parish priest?—Yes.

5482. And during the lifetime of his predecessor?—I was.

5483. How soon after Mr. Burke's appointment to that parish did that system of subordination, outrage, and intimidation prevail?—I think about half a year.

5484. Were any of the tenants dispossessed from the Duke of Buckingham's estate by you?—Yes.

5485. How many?—About half a dozen families.

5486. In how long a time?—Previous to Mr. Burke coming there, about a year before.

5487. For what reason?—On account of their bad character, and harbouring every kind of bad person that went through the country, and being an injury to the tenants of the Duke, their neighbours; it was a receptacle for every robber who went through the country; they were robbing right and left every one in the country, not only the Duke of Buckingham's tenants, but others.

677. q q 4

5488. You

William Fickbow &c,
Esq.
5 July 1818.

William Finckh, Esq.
 3 July 1831.

5488. You considered them a kind of infected sheep that infected the rest?—Yes; it was notorious.

5489. What became of them?—When dispossessed I believe a good many were taken in as cottiers by the tenants, and I have reason to believe some of them are on the estate at present as labourers.

5490. Have you been able to identify with their residence upon the estate anything referring to the origin of those disturbances?—Not at all; they were dispossessed long previous, and the thing had passed over.

5491. It was not considered as a harsh act by the tenantry of the property generally?—Far the contrary; they were very glad of it, and expressed their opinion so.

5492. Were you acquainted with the late Roman-catholic clergyman, the predecessor of Mr. Burke?—Not personally; I was with his character.

5493. He was in the habit of promoting concord and good fellowship amongst all the parishioners?—He bore that character.

5494. During the time of his residence as a clergyman the neighbourhood of that parish was remarkable for its state of peace and tranquillity?—Proverbially so in the country.

5495. Do you attribute that lamentable change in the character of the neighbourhood to the conduct of Mr. Burke since he became Roman-catholic priest there?—Yes, most decidedly.

5496. When was the petition sent over to the Duke of Buckingham?—About a year and a half ago.

5497. Was it before the state of destitution in which the people found themselves about two years ago on the estate?—It was at that period.

5498. At that time did the Duke of Buckingham promptly direct you to relieve the tenantry?—Yes.

5499. Did you go to visit them?—Yes.

5500. How soon did you go?—As I said before, when I received the letter I wrote to say that I had just returned from the property; that I conceived that if any distress had existed I must have known of it, and I was astonished to hear of it, but I would write to the property and make more particular inquiries, and I reported thereon to the Duke: a further letter was then forwarded to the Duke with a petition, which he sent to me, and then I went down immediately.

5501. You said the people had reason to complain in some few instances, and you had given abatements?—Yes; I thought their lands were rather high let, and I recommended to the Duke to abate them.

5502. Did you promise any abatement that was not acceded to?—No.

5503. Did you ever promise an abatement of 15 per cent.?—No, never.

5504. Do you know it has been said so on the property?—Yes.

5505. But it is erroneous?—Yes.

5506. You ejected some tenants?—Yes.

5507. How many did you turn off prior to Mr. Burke coming upon the estate?—I think about six families.

5508. Did you turn them off penniless?—I gave them the roofs of their houses and the timbers, and money besides.

5509. How much money?—From 2 £. to 3 £. each family, as well as my recollection serves me.

5510. There are other properties in the neighbourhood; are those estates let at a higher rent or a lower rent than the Duke of Buckingham's?—I have heard that Mr. Pollard's are set lower.

5511. On the properties adjoining the Duke are leases granted?—I cannot say.

5512. If leases are granted, do you not think it strange that there the land should be lower than the Duke's?—I cannot form an opinion upon that subject.

5513. Has any other agent in the neighbourhood distrained tenantry in the last year or two?—I do not know.

5514. Have any new tenants been introduced upon the Duke's property?—There have.

5515. What do they pay; do they pay more than the tenantry they have displaced?—Yes, more.

5516. You say that the disturbances were wholly owing to Mr. Burke?—I do.

5517. Have the tenantry of the neighbouring proprietors, who hold land con-

tinguous

significant to the Duke's, experienced the same effects?—I have heard that they have; I have been told so.

5518. That they have found him interfering between the landlord and tenantry in the way spoken to?—Yes.

5519. But not to the extent that he has with the Duke?—No.

5520. At the petty sessions at Castle Pollard you entered into an agreement with the tenants, in February 1831?—I did not.

5521. You did not sign a set of conditions?—I do not know whether I put a signature to the paper submitted to me, but I remember very well telling Mr. Pollard, one of the persons bringing it, and Mr. Browne, that I could not of myself agree to the conditions written therein without referring it to the Duke of Buckingham.

5522. The magistrates were anxious you should agree to it?—They were anxious to have the business settled, to prevent any disturbance.

5523. It was the Duke who refused to concede to those conditions?—Yes.

5524. Are you aware that the previous parish that Mr. Burke had has not been disturbed?—I heard to the contrary, that there was a disturbance there when he was in it.

5525. Is there any system of nightly depredation in your country?—Yes, certainly.

5526. Have you formed any opinion as to the best mode of counteracting or overcoming those disturbances?—I should think the best mode is to put the laws in force.

5527. What laws?—The existing laws.

5528. Do you think the existing laws are sufficient?—I think they ought to be tried.

5529. They have not been tried?—I cannot say that they have been, as far as my opinion goes.

5530. Have any steps been taken by the magistrates of the country?—Yes.

5531. But you think they have not tried to the full extent that the present laws enabled them?—I think the exertions of the magistrates have not been followed up sufficiently prompt.

5532. You do not wish to see the Insurrection Act re-enacted?—I do not know what is its nature sufficiently well to answer that question.

5533. You live in the town of Carlow?—Yes.

5534. There is a good deal of disturbance in the Queen's County and in Carlow itself?—Not in Carlow itself; there was a disturbance there for some days, but it was a momentary thing.

5535. Have you been able to form any opinion as to the cause that originated the disturbance in Queen's County?—No, I do not think I am competent to form an opinion upon it.

5536. You know that part of the county?—Yes.

5537. Are there a great number of absentee estates there in the neighbourhood of the colliery?—A few, I believe.

5538. Have many persons been turned off the estates there?—I do not know of myself, but I have heard that there have been some persons turned off.

5539. You cannot form any opinion of the origin of the disturbances?—No.

5540. Were you in Carlow when that tithe-sale was attempted the other day?—I was.

5541. Did you see the meeting which took place in consequence?—Daily meetings; I saw them and witnessed them all.

5542. What was the character of those meetings?—The peasantry coming in from all directions with banners and badges, and being addressed by persons in the streets in different parts of the town.

5543. Did they appear in military order, or in a loose and tumultuous order?—They seemed to me to come in, each parish or district of itself, from different quarters, marching into the town.

5544. With local flags and banners?—Only on one day.

5545. What was the inscription on the banner?—"No Tithe" was the general inscription.

5546. Do you now remember any other?—"No Church Tax."

5547. Do you remember any other?—No.

5548. Were those bodies, which you represent as having been organized in parochial

William Fiskbourne,
Esq.

6 July 1856.

parochial squads, headed by particular individuals?—On the last day when they came in with their banners they were, certainly.

5549. You are referring to the great meeting?—The last day's meeting.

5550. What number of people were present on that occasion?—Some thousands.

5551. How many should you say?—I should think from 8,000 to 10,000; some said there were more.

5552. Did that concourse appear to be regularly organized in divisions?—They came in in carts with horses, tandem, and persons in the carts carrying banners; a regular cavalcade came in in that kind of way.

5553. Did the Roman-catholic clergy appear to take a part upon that occasion?—I saw many of them addressing the people.

5554. Were you near enough to hear the discourses they delivered?—No, I rather avoided them.

5555. Did it come to your knowledge afterwards what it was?—It was against tithes.

5556. Was it exclusively against tithes?—I cannot say myself; I avoided them rather.

5557. Do you know of any other cause?—The sale that was to take place was a tithe sale, and I understood they spoke of church-cess also.

5558. Do you believe that this assemblage took place for intimidation?—Certainly.

5559. What do you suppose would have been the consequence in the case of men who might have thought fit to purchase the cattle?—I should think they would have run very great risk indeed.

5560. It would have been a very perilous experiment?—Very much so.

5561. You are of opinion that tithes in that part of the country is now totally extinguished?—I know it is; there is no tithe paid except by Protestants.

5562. What was the construction put upon the declaration of the Secretary for Ireland in the House of Commons, that tithes had been extinguished; do you recollect it having produced any particular sensation?—Indeed I think it did.

5563. Do you recollect a meeting held at Bagnall's Town, in the county of Carlow, some time ago?—I cannot say I do.

5564. The conduct of the people assembled on this occasion was very orderly?—Not very much so, until they were spoken to; in coming into the town they assumed threatening postures and attitudes, but when spoken to they put away their sticks.

5565. By whom were they spoken to?—I believe the officer of the garrison, by direction of the magistrates, spoke to the influential persons among them, and by their desire they did put away their sticks, and after the second day the words the men had chalked on their hats were rubbed out.

5566. What words?—"No Tithe."

5567. Do you know whether those people afterwards proceeded to Dr. Doyle's house?—I believe they did.

5568. Do you know what took place there?—No.

5569. Do you think that the present organized resistance to tithes will proceed to a resistance to rent?—I fear very much it will.

5570. You suppose that the people, having discovered the influence of their own endeavours, will persevere?—Yes, I think they will persevere in a thing so much according to their taste.

5571. What is the present state of the county of Westmeath?—That part I am acquainted with is perfectly quiet.

5572. To what do you ascribe the difference in that part of the country?—As far as I am concerned, I ascribe it to the means used to enforce the payment of the rent, and also to the willingness on the part of the tenants themselves, and rather a desire to have that state of things put an end to; I am certain they do not like it.

5573. You are of opinion that a decided conduct on the part of agents or proprietors would prevent the people falling into that state of insubordination that they are in in some parts?—It may not altogether prevent it; it will check it.

5574. Do you suppose the influence of any agent will stop the people going to tithe meetings?—No, except in a few instances.

5575. Suppose the law of the land empowered the landlord to call for the tithes and

and enforce payment of it from his immediate tenant, combined with the rent; do you think that it would tend to endanger the rent as well as the tithe?—I really do think it would.

5576. Did you ever deny the payment of a sum at the petty sessions at Castle Pollard for which a stamped receipt was afterwards produced?—Never; I know what is alluded to; the receipt that the person had on the trial of the conspiracy against Mr. Walker and me. He produced a receipt, and said that I wanted to charge him more rent than he owed, for he had paid it; but it was a mere statement of his, unfounded in fact.

5577. You have never asked him for the rent for which he had the receipt?—No.

5578. Was the receipt a forgery?—No.

5579. You had not demanded the rent a second time?—No; it perfectly agreed with my books in date and amount.

5580. When you stated you conceived a demand on the part of the landlord for tithes, superadded to the rent, would endanger the rent, are we to understand that you consider that an ascertainable sum under the Composition Act, superadded to the rent, would endanger the payment of the rent?—I really do think, that such is the opposition of the peasantry to tithe at present, that if any collision is brought on between the landlord and the tenant in that respect, and any other thing is mixed up with it appertaining to tithe, that rent may suffer also.

5581. Then are the Committee to understand that you consider rents to have been in some degree in danger in consequence of this combination upon tithe?—I think they stand a very good chance of it.

5582. Do you speak with reference to the combination of tithes with the rent you have been speaking of?—I think that the rent being mixed up with the tithe would endanger it.

5583. Do you think that the successful combination, to the extent it has gone against tithe, brings even rent in a certain degree into ultimate danger?—I do think decidedly, if they succeed, which there seems no doubt of, in their combination against tithe, they will eventually come to rent also.

Colonel Percival, a Member of the Committee; Examined.

5584. HAVE you anything to communicate to the Committee that is connected with the order of reference relating to its inquiries?—A circumstance has come to my knowledge, which I conceive it my duty to communicate to the Committee, as bearing upon the subjects which they have been directed to investigate.

5585. Have the goodness to state that circumstance, and the means by which it has come to your knowledge?—The circumstance I shall state is this: that a meeting was announced upon Sunday last the 1st of July, by Mr. Connell, the priest of the parish of Rathspeck, to be held on Friday (this day) the 6th instant, at Edgeworths Town; to which the priests in the county of Westmeath, and the neighbouring county of Longford, I presume, are to head their respective flocks, for the purpose of forming a political union; each person was ordered by the priest to become one of the union, which he said would only be attended with the trifling expense of 1 s. entrance each, and 6 d. per quarter; that is one circumstance that has come to my knowledge; and I will state to the Committee, that I really believe it is perfectly true; my authority is such, I have not the slightest doubt of it.

5586. Can you state whether the object of forming this political union is for election purpose, or any other purpose?—I cannot state for what particular purpose the political union is to be formed, but I have no doubt it is not to promote the peace and prosperity of Ireland.

5587. It is a political union for the county of Longford?—It is for the two counties.

5588. Have you not known instances of societies being formed in counties in Ireland to return gentlemen in a particular interest to Parliament?—I have heard so.

5589. Have you any reason to know that this society is not for that purpose, which is a legitimate one?—I have no reason to know what its object is; but I can speak, from my knowledge of political unions in general, that their object is not confined to any such purpose.

5590. From your knowledge of the state of Ireland now, have you any doubt that assemblies of large bodies of people, under the influence of their priests, are

Colonel Perceval.

6 July 1832.

dangerous to the peace of the country, and tend greatly to the terror and dismay of the peaceable and loyal inhabitants of the country?—I have not the slightest doubt that those assemblages are calculated to produce the effect ascribed to them; and that they are calculated to intimidate as well as injure the respectable classes of the community of all religious persuasions.

5591. Are they not attended by persons who make seditious speeches, tending grossly to inflame the passions of the people and excite their animosity?—I have never attended one of them; but I have no doubt on my own mind that they are attended usually by persons who seem to have nothing to do but to excite discontent in the country, in hopes they may be brought into some fictitious notice.

5592. Is it your opinion that no assemblies of people can meet but for those mischievous purposes?—I never said any such thing.

5593. Any considerable body of the people?—I speak as to meetings that are known generally to be congregated in Ireland under the directions of priests, demagogues, and agitators.

5594. Are the Committee to understand that any meeting that has the sanction of a priest with it, or is under the guidance of a priest, is, in your opinion, a dangerous meeting, tending to intimidate the loyal inhabitants of the country?—No; I have no reason to say that any meeting that has the sanction of a priest has that tendency, because I know many meetings have been held at other times for charitable and useful purposes, sanctioned by priests; but I speak of the practice of the day, where charitable purposes are entirely lost sight of.

5595. Am I to understand that you mean that all meetings of the present day, headed by priests, or with priests leading or guiding them, are meetings of the description you have mentioned?—I believe that the meetings of persons so headed by priests, agitators and demagogues, are for the purpose of disturbing the public peace, upsetting the institutions of the country, and driving the well-disposed out of it.

5596. Then it must follow that any meeting to bring about a modification of tithes, or the abolition of tithes, must deserve the description you have given?—I am not prepared to say that any meeting to bring about a modification of tithes, or the abolition of tithes, comes within the range I have stated as the object of the meetings of the present day; certainly I think it is perfectly competent to British subjects to meet quietly for any purpose and petition Parliament; but I think it is anything but in accordance with the constitution of the country, or anything but legal or constitutional for mobs of persons to meet, headed by priests, demagogues and agitators, for the purpose, by intimidation, of preventing the payment of tithes.

5597. Do you reckon among agitators and demagogues any person who visits parochial or county meetings to procure an abolition of tithes?—I think every person who attends a meeting of that description, and makes use of inflammatory language calculated to excite the people to disturbance and to opposition to the law, even in the moderate sense that some people would wish to have it considered, of passive resistance, are enemies to their country, demagogues and agitators, and persons whom I look upon to be the curse of Ireland.

5598. Have you any other circumstance to mention?—Another circumstance has come to my knowledge which I wish to communicate also, inasmuch as it strikes me it is a proof that the system of excitement against the magistracy and the administration of the law is progressing in Ireland; it occurred very lately: the circumstance is this: a man residing near the town of Ballymahon, I believe, in the county of Longford, applied to Captain Graham, a magistrate, to compel a neighbour to restore to him a swarm of bees he had appropriated to his use; having examined the complainant upon oath, the magistrate saw the man who detained those bees in the street of Ballymahon, and desired the police constable to bring the man before him; the man swore he would not attend to any such order, on which Captain Graham desired the constable to bring him to him by force, to compel him to come; the man resisted the constable, and endeavoured to overpower him; the chief constable of police seeing the struggle came to the constable's assistance, and having secured the man, brought him a prisoner to Captain Graham; a gentleman interfered and settled the matter: after that gentleman left Ballymahon, the priest, Mr. McCann, insisted on that man lodging informations against the chief constable and his sub-constable, who were in consequence tried at the sessions, and acquitted: the man himself was subsequently tried for assaulting the policeman in the execution of his duty, and found guilty, and sentenced to

to two months' imprisonment with hard labour. A large mob collected at the barrister's lodgings immediately after the trial, and blamed him for his conduct in the most offensive language, and an attorney has instituted an action against the barrister for the charge he gave to the jury. On Sunday last the titular bishop, Mr. Higgins, and his priests, recommended from the altar a subscription to carry on the suit, and consequently much money has already been raised for that purpose, and hand-bills of the most violent description have been distributed; the prisoner's turf has been cut, and his hay cut, and the work done by hundreds of persons, and that a systematic opposition to all law appears to be general in that neighbourhood. Since the occurrence Captain Graham has been denounced from the altar, and no Roman-catholic dare work for him. That is the circumstance which I was desirous should be communicated to this Committee by a competent witness from Ballymahon, who could state it from his own investigation; but in obedience to this Committee, I have communicated the circumstances detailed to me from a source that leaves no doubt upon my mind as to its truth, and as the best alternative in my power, the Committee, upon a division, having decided against summoning the magistrate in question.

5599. Who is the gentleman who has given you this information?—Major-general Crawford, a man I have known upwards of 25 years, and who I consider as honourable a man as any in His Majesty's dominions, and incapable of stating what he did not believe to be true.

5600. He is a gentleman who has been examined before the Committee?—Yes; this circumstance, the Committee will see from the date, has occurred since he was examined here.

James Napper, Esq., called in; and Examined.

5601. WHERE do you reside?—At Loughcrew, in the county of Meath.

5602. In what state is the country in your neighbourhood as to tranquillity?—It is in a tranquil state, but I consider that the minds of the lower orders, and the higher also, are in a dissatisfied state; that they are not satisfied with the position in which they are at present placed.

5603. Is there much actual disturbance or outrage?—There has been no actual disturbance since the rising of the peasantry last spring twelve months, when almost the whole of the county of Meath rose for wages, and drove the men from their ploughs.

5604. Were the wages increased in consequence?—I am not aware that anything was done in consequence.

5605. There is no actual outrage, but a great deal of discontent?—I conceive that the lower orders are dissatisfied with their position; they want employment; and the higher orders, including the magistrates, feel an insecurity (such is the temper of the lower orders) in executing the law.

5606. Do you think that the lower orders have any reason to be discontented?—I think very just reasons.

5607. State what those reasons are?—There are many reasons why Ireland should be in a discontented state, but one of the principal reasons is the position of the landlords and the lower orders of the peasantry. I consider that the system of leasing, originating, or generally in use about 50 or 100 years ago, the letting long leases, that placed the property out of the control of the head landlord, and removed the occupiers of the soil out of his influence, to be one of the great causes why the present discontent exists. That system enabled the peasantry of Ireland to subsist without any legal provision as in England. They were enabled to take from the middle-man land at a very high rent, but, at the same time, at a rent by which they could live, and which found them employment and labour to a certain extent. That system has been by a slow, but certain process, undermining for the last century. More than half of Ireland was under-let and in the occupation of middle-men; since that period perhaps a third of it has again fallen into the hands of the head landlords, and they have pursued a different system, letting the land directly to resident tenants; the consequence is, that the lower orders have all that land, as it were, cut from under their feet, and are driven upon the old leases; thus, with a great increase of population, there is a great decrease of land, and although it may appear strange, this system of middle-men has prevented a system of poor laws similar in some degree to those which exist in England, and which takes an immense revenue out of the pockets of the landed proprietors of that

James Napier, Esq.

6 July 1838.

country. Some interposition of the Legislature to meet the increasing difficulty is now wanting. The poor have neither employment from the middle-men nor from the landlords.

5608. Have there been many estates cleared in your neighbourhood?—Within the last 30 years a vast number of farms have been cleared.

5609. Do you consider that the removal of those persons has increased the discontent which you state to exist?—Decidedly.

5610. Do you know what has become of them?—Most of them have gone upon the lands that are still held under the old leases, or into the suburbs of the small towns.

5611. What are the other causes to which you attribute the discontent of the people?—I consider the present position of the Protestant church to be another cause.

5612. Explain what you mean by the word "position"?—I consider that the Protestant clergyman taking his revenue from the soil, cultivated, generally speaking, by Catholic inhabitants, is the cause of discontent to those Catholic inhabitants. They look with dissatisfaction on the Protestant clergymen, as occupying the whole of the Catholic parishes, and those not being filled with Protestants, or in many instances with very few, and the revenue not going to the clergyman in the parish who does most, and has the largest flock, but to the clergyman who has the smallest, and whose curate frequently does the principal part of the duty, and receives a compensation very inadequate, in the opinions of many Catholics, even to those duties he has to perform.

5613. Is the population in your neighbourhood chiefly Protestant or Catholic?—Chiefly Catholic.

5614. The lower classes are chiefly Catholics, and the landowners Protestants?—Yes.

5615. You say one cause of the discontent is, that the Protestant clergyman occupies the whole Catholic parishes?—Yes.

5616. May not discontent prevail from a similar cause, that the Protestants occupy the forfeitures of Catholic tithes?—I do not consider to the same extent.

5617. You do not consider that it does to the same extent?—No, I think that feeling does exist, but not to any great extent; not to all the extent I thought when I first had anything to do with Ireland, 20 years ago. I was then led to suppose that feeling was very strong; I am in possession of property of that description.

5618. Suppose the pressure of the cause of dissatisfaction you have described as regards the residence of the clergy was removed, is it your opinion that the other cause of dissatisfaction, that is at present a latent cause, would or would not be brought forward as a grievance?—I do not think it would.

5619. You have stated you were the proprietor of an extensive forfeited estate; do you conceive that the persons who held it before your family view you with jealousy, or look upon the probability of recovering it?—No; I always received the greatest kindness from them.

5620. You know them?—Yes; I often see them at my own house.

5621. Do you believe if the same means were used to attempt the recovery of forfeited property which have been used to excite opposition to the payment of tithe they would be successful?—I am sure they would not be successful.

5622. Would it be fair to ask who the persons are that were the owners of the property you possess?—Lord Dunsany.

5623. Is the collection of tithes carried on in such a way as to excite uneasiness?—The parishes where I have property are under the Composition Act.

5624. Is those parishes is the tithe regularly paid?—Yes, I believe so as yet.

5625. Then the discontent in that part of the country is not principally connected with the payment of tithe?—It has not broken out in any resistance to tithe, but I know there is a very strong feeling as to tithe, and the position of the clergy.

5626. Is it your opinion that the want of employment, arising from the source you have mentioned, is the principal cause of the discontent of the lower orders of the people?—I conceive that the want of employment among the lower orders, and the position in which they were placed by the middle-men being able to sub-let, is the great cause. They have let them small farms of a few acres, not sufficient to give them constant employment, but just sufficient to enable them to live;

five; the consequence is, that they have been in the habit of keeping holidays, *John Napper, Esq.*
and not constantly working like the English poor. 'The want now of any employ-
ment, for months together, for those not accustomed to very hard and constant labour,
has got them into a sort of indolent system; they have turned their minds principally
to the political state of their country, and have been alive to every suggestion
they meet with, however remote their means of knowledge as to its merits may
be.' The peasant has no enjoyment except on holidays, and going to meetings,
hearing the news, and looking for excitement and interest out of his cottage and
not in it.

5627. Is not this the effect, whatever be the cause, that the tenants have no
constant employment from year's end to year's end?—They have not.

5628. Can you say what portion of the year they are out of employment?
—The portion of the year they are not employed is before seed time and hay
harvest, and from hay harvest to the corn harvest, and part of the winter.

5629. How much of the year might that occupy?—It occupies about four
months.

5630. What is the rate of wages, on the average, given to that class of persons,
those employed only a portion of the year?—From 8*d.* in the winter to 10*d.*,
sometimes from 10*d.* to 1*s.*, but 8*d.* and 10*d.* with us.

5631. What should you say was the average?—Perhaps about 9*d.*

5632. Must not the peasantry that are employed only eight months in the
year, that have 10*d.* a day on the average, and a family to maintain, be in a state
of great destitution a great portion of that time?—They certainly must. A friend
of mine made out a calculation; it was not sufficiently correct to lay before this
Committee, or I would have had the honour of doing so; by that calculation the
labourer is worse off now than he was 40 years ago.

5633. Is it unfair to attribute the discontent, that has certainly increased between
the periods you have spoken of, to that cause, along with others, but to that cause
chiefly?—I consider that if the labourer was satisfied as to his constant employ-
ment, and had a house and garden suited to his station, he would not be easily
excited, and only where great questions were agitated that affected his own interest;
whereas in Ireland they are now frequently roused more upon questions that do
not immediately concern them than those that do.

5634. Are you able to say whether there are any remedies in your power of
mentioning that you would suggest as likely to operate speedily to remove those
causes of discontent; what would you presently advise, if any?—The remedies,
like the causes, must be numerous. I do not think it would be wise to take up one
cause or one remedy; I should attempt to take two or three of the leading causes,
and bring two or three remedies forward at the same time. I think the state of
the tide and the state of the poor should be worked together. The landlord
should be called upon to throw more money, which I conceive is the thing most
wanting, into the labour market. A question having been asked me as to the
county of Meath, and whether anything was done after the labourers rose for
more wages, my answer was, no; it being found, if higher wages were given, that
the farmers would take the best labourers at 1*s.* a day, and leave out the worst,
consequently more people would be out of employment, and he would have his
work done with fewer hands. I conceive that the only money that is to be found
is the money in the landlords' pockets after the rents are paid.

5635. Does the circumstance of a great many landed proprietors residing away
from their estates tend to produce an absence of money in the market for labour?
—I have no doubt it does tend to produce a want of capital; but as a resident
landlord, and one who has expended a large sum on the country, I am satisfied that
the residence of a large landed proprietor, with the facility of expending money,
will not produce that good in the neighbourhood where the money is spent that
is wanted. I have spent a very large sum of money, and encouraged my tenants
to expend large sums upon their farms, and we still have in spots as wretched
a set of people as can be found in any part of Ireland. If I was taxed as a landed
proprietor to the amount of 500*l.* a year, I should do better by paying that 500*l.*
a year than if I expended 1,000*l.* a year myself: the want of system in a mere
individual laying out his money is such, that it will produce no effect compared to
a general system; and I could give instances where I have lost considerable sums
from not getting my neighbours to join me.

5636. Have you at all considered any plan, or any particular mode in which
you would regulate the expenditure of such a tax?—Yes, I have considered it,

James Napper, Esq.
6 July 1832.

and ventured some time ago to publish a tract upon the subject; it was done not as a decided remedy, I did it more for the sake of argument, and I have no reason to think that my first notion was wrong in principle. I have reason to think it might be made much better in practice. I conceive I could suggest a mode, but it should be in connexion with a good many others, particularly with the present position of tithe system. We are looking to a country principally Catholic, and there is a very strong feeling in the Catholic population that the Protestant church ought to give something on the score of charity. I should like to see the question of the poor laws and tithes so dovetailed together that the landlord and clergy should appropriate a part of their present revenue to that purpose. I think it might be done, but it is a question of such magnitude that an individual could do very little in it.

5637. Does your plan embrace any provision at all upon the plan of the English poor laws?—It does not embrace the system of settlement; it does not contemplate any settlement, nor give a legal claim to any one upon any fund. I propose the fund to be raised by the receiver of rents, and that to be appropriated by a committee, in labour, at those times of the year when the men are least employed by the farmers. In my own case, as a landlord, I conceive I should be able to take most of the men with families upon my estate into my own hands as tenants, provided they could earn three or four pounds a year more than they do at present; if at the idle time of the year they could be employed at any parish work, opening drains or making fences. I should be able to give them a house and garden at the rate they now pay for it, but twice as good as they now enjoy, consequently they would be 100 per cent. better off than they are at present in this particular.

5638. Do you know what is the average of a labourer's earnings in your neighbourhood?—Their daily wages are 8 d. and 10 d.

5639. What do you suppose to be the average amount of earnings in the year?—I believe not more than 12 l. a year.

5640. What is the amount of your own labour account annually?—I have had as many as 500 people employed in a day; all kinds of workmen. I cannot say what is the amount of my labour account; but I can state, I am quite sure, though I have expended a large sum in labour, if I had employed Englishmen at English wages, I should have done it as well, and in a much less time, I will not say better; consequently a smaller number of men would have received a greater profit.

5641. Do you not, from motives of charity, employ more than are necessary for your work?—Yes, I have, to the injury of the work; I should have it done better if there had been fewer.

5642. Do you not think that yourself and other landed proprietors would be better off by having a poor-rate, as you, in fact, pay it now by employing men you do not want?—Yes; and the absentee landlord would be able to manage his property, through his agent, much better than he does at present.

5643. You were asked whether the tithe question was not among the causes of the discontent you have mentioned; supposing the arrangement for the purpose of settling the tithes was to include this item in it, compelling the landlord immediately above the occupying tenant to pay the tithe compulsorily, leaving it to him afterwards to compel the payment of the tithe from the occupying tenant, would that have a beneficial or a contrary effect with respect to the peace of the country?—I do not think it would have the beneficial effect that is supposed; because the tithe composition, generally speaking, where it has been employed, has been laid on greatly to the advantage of the landed interest; but the ceasing to wish to pay it, on the part of the Protestant, proceeds from a feeling that if he does not do something to give the church a sort of stir that the church will do nothing for itself; and if I, as a landed proprietor, am to pay tithe out of my pocket, I confess, in the present state of the church, I shall pay it, but with very great dissatisfaction, because I do not see at present in the church a wish to rectify itself, or put itself in the position I should like to see it, holding the affection of Protestants, and the good opinion of the Catholics.

5644. Putting out the landlord, what effect would it have upon the tenant, who would know the landlord would combine it with the rent; would it not endanger the rent?—I cannot conceive, if the tenant takes it free from tithe, if he agrees to pay 1 l. an acre for 100 acres, and the landlord is to pay 1 s. in the pound for tithe, I do not conceive that the tenant could object to it; he would pay his 100 l.

if the landlord would pay the tithe; but if it was proposed that the tenant should

pay it, and give the clergyman's receipt in the shape of rent, the tenant might say, *James Nagger, Esq.*
I will have nothing to do with the clergyman.

5645. Supposing he knew that a certain proportion of every gale of rent was for tithes, and the landlord was a middle-man, what would be the result?—I conceive there would be a difficulty in the landlord getting it; it would be a dangerous thing to subject the landlord to any collision with his tenant upon the tithe.

5646. In your neighbourhood is there a disposition to resist the payment of the tithe composition tax in future?—Not that I am aware of.

5647. Have there been any meetings for that purpose?—Not that I am aware of.

5648. Do you apprehend that the system of resistance that now prevails so much in Ireland will extend to your part of the country?—I have no doubt it will.

5649. Upon the whole, do you suppose it is likely that an attempt to levy, under the principle of the Composition Act, a fund for the maintenance of the Protestant church will be successful?—In my immediate neighbourhood it might be effected; but I think it would not be successful, as far as allaying the feeling as to the payment of tithe, either as to Catholics or Protestants.

5650. Do you think that the tithes would be paid by the assistance of any power that could be brought to assist the law?—I think it very doubtful.

5651. Do you believe, even in a tranquil state of the county of Meath, that the landlord can now do as he pleases with his own property?—I do not conceive that the landlord at this moment, in Meath, is the master of his own property.

5652. Are you aware that landed property lets very well, and also sells very well; how can you account for that rise in the letting and selling if the state of property is insecure?—I did not state that the property itself is insecure, but that the landlords and tenants, in managing the property to the greatest advantage, were both placed in a state of the greatest insecurity; because should they wish to turn off a set of tenantry, who, from their ignorance and poverty, have destroyed the productive quality of the land, and to place there tenants who have capital and knowledge in agriculture, they will probably be visited by the violent conduct of those removed, and subject to very great loss, perhaps loss of life.

5653. You have stated you considered the people and the magistrates to be in a false position; what state of feeling do you consider there is between the magistracy and the existing administration in Ireland?—I do not conceive there is a good feeling between the magistrates and the existing administration in Ireland.

5654. To what do you attribute that?—Is a very great measure to the question of Catholic emancipation having been carried by a Tory instead of a Whig administration; they carried a measure, the merits of which they did not understand.

5655. Do you believe that the feeling of the magistrates towards the Government depends at all upon the late administration having carried Catholic emancipation after the establishment of the Brunswick clubs?—I conceive that the violent efforts of what are called the Protestant party to resist emancipation of course drew upon them a great deal of unpleasant and hostile feeling from the Catholic party; but if their position had been fairly taken up, as well as the position of those Protestants who advocated the Catholic claims from principle and a wish to serve their Catholic brethren, had their interests been understood and taken up by the Government of the day, with a system for benefiting the lower orders, and of placing the Protestant church in a more secure and satisfactory state upon the surrendering of that great question, we should have been all relieved from that situation in which we now stand. In some instances directly opposed to each other as violent partisans, in others, (in which I consider myself,) as victims to the wish to serve our country, with a determination not to do so as the tools of a party, we are now without support, not from any fault of the present Government, nor perhaps any direct fault of the late Government, but for want of a more manly and straightforward system of policy when that great question was carried.

5656. There being a great distrust between the higher and lower orders, and also between the magistracy and the Government, is it surprising that Ireland should be in the state in which it is?—I am only surprised that the middle orders of the gentry should accept a commission of the peace at all; and I conceive that, in accepting a commission of the peace in Ireland, I run a much greater risk of my life than accepting a commission as a captain of a troop of horse.

James Napier, Esq.

6 July 1831.

5657. What has been the conduct of the Roman-catholic clergy in your own neighbourhood?—I consider that the Roman-catholic clergy are placed in a very trying and difficult position. I have alluded to the system of getting rid of the middle-man, and in his place putting, in some instances, one, sometimes many, tenants on a farm; but in particular in those cases where the landlord has been anxious to establish a grazing system, in order to recover his property, which has been exhausted by a system of over-cropping. The Catholic clergy in those cases have been constantly brought forward, both as to their own interest and their own flocks, in a way that has placed them in a very invidious position; and the agents of the properties so dealt with have been placed in much the same. The agent considers it his duty to recommend the landlord to do what is most for his interest; to lay down farms, and let them to large tenants; in so doing the small Catholic holder has been driven off, and with him went the Roman-catholic priest; so that he has been placed in this position: he has seen his flock in a state of starvation, and himself deprived, where a large farm has been fairly driven, of a revenue to the amount of 50 *l.* a year or more; the consequence has been, that it has thrown, in many instances, the Catholic priest in direct opposition to the resident Protestant gentlemen, and particularly Protestant agents. I know in my own instance it has been the case, and there has been a very unpleasant feeling between those parties.

5658. You have stated in detail what may appear to you a palliation, or in some degree an excuse, for the conduct the priests latterly have pursued, but you have not stated the conduct of the Roman-catholic priests in your neighbourhood?—In my answer to the question I have endeavoured to take their conduct with regard to their own personal interests, and the personal interests of their flocks, in the country. With regard to their conduct, either as good men or good politicians, I am ready to make any observation or answer that in any way may be wished; perhaps I mistook the object of the question.

5659. The question was with reference to the peace of the country generally?—I certainly consider that the Roman-catholic priests, some of them, have exceeded what I should conceive was their duty as priests, and have taken a line of politics which I do not think has tended to their own respectability, and has certainly excited the minds of the people.

5660. What has been their conduct in the event of disturbance?—There has been no disturbance immediately about me.

5661. Do you believe if a disturbance occurred they would be found abetting, or assisting, or forwarding such disturbance?—It depends upon what the disturbance originated in; if it was a disturbance upon the tithe question they would take a very strong part with the people upon it.

5662. Upon the whole, has their conduct, according to your view, tended more to promote or lead to the disturbance of the peace of the county, upon a fair view of their conduct?—I think their conduct generally has tended to promote a very great degree of excitement and agitation.

5663. How long since have you observed that in your neighbourhood?—It existed to some degree when I first came into the country.

5664. Has it increased very much of late?—Very much.

5665. Within what time?—I should say since Catholic emancipation was granted.

5666. Do you think that since then the priests have taken a more active part in politics than they had done before?—Decidedly.

5667. Do you think that has led to the increase of the excitement you have observed?—Certainly.

5668. With respect to the mischief that arises from tithe, what would you suggest as a remedy for whatever mischief or disturbance arises from the tithe system; would it occur to you as a proper measure to abolish tithes altogether?—I conceive no measure would pay an annuity so directly as the present system under the Composition Act, because if the landlord is allowed to redeem his tithe, land must be bought, and it must be put into the hands of commissioners, and large sums of money expended upon it; and we know that persons who leave property to their heirs lay out more than is prudent perhaps, but we cannot expect the church for a mere annuity should do so. If it should do so as a body it would deprive the annuitants of a considerable sum of money; the clergy could not gain, if the property is properly managed, the same revenue as

under a judicious tithe composition, paid by the landlord, who would employ no extra servants in collecting it.

5669. In taking his land, does not the tenant take into consideration that he is to pay the tithe?—Yes, he does.

5670. Then where the Composition Act is in force, is not the allowance in proportion to the sum that is paid?—It certainly is; but I conceive that the real objection to the composition is not to the Act itself or the money paid, but to the purposes to which it is applied, and the position of the church to which it is paid, and that an equal sum laid out in land would be equally objectionable. With the state of feeling in Ireland as to the Protestant church, it is necessary that the church should reform itself, and then come to the landed proprietors for security; and there are very few that would not give the best security they have to secure the revenues of that church, if the church was put in a position to meet their wishes; at present it is not in that position. I have been asked a question as to Catholic priests; I think that the political conduct of the Protestant clergy has tended very much to alienate the minds of the people from themselves.

5671. Do you think that the discontent with respect to the tithe system, either that excited by the priests, or that felt by the people, has originated in this want of reform you have stated in the Protestant church?—No, I do not think it has entirely.

5672. What is the general outline of the reform you think would quiet men's minds upon this subject?—They would like to see the clergy paid in proportion to what they have to do; it might be difficult to arrange, but it would be a most satisfactory arrangement.

5673. Do you allude to a more equal division of the church property, and that the working curate should be better paid?—It would be desirable if in proportion to their duties the clergymen should be paid; there is great dissatisfaction in the public mind that the rectors are receiving large revenues with very small flocks; it is natural that it should be so.

5674. In your immediate neighbourhood are there many resident landlords?—Yes, there are.

5675. Do you conceive that any public system could be more likely to produce a beneficial application of money than that which is had under the direction of the resident landlords?—No, I should think not; I should think if the tithes were funded, and in the hands of commissioners, and the clergy paid by those commissioners, according to the duty that they performed, the public would be satisfied. I do not mention this as a plan that is feasible, but such a plan would give general satisfaction.

5676. Do you believe the scheme of making the tithe composition permanent and compulsory in Ireland, without different appropriation of the revenues, would be satisfactory?—I should think certainly not.

5677. By a different appropriation, do you mean within the church, or alienating it from the church?—I do not feel I am competent to give a direct answer to this question, not knowing the amount of the revenues of the church; I should think the public would wish that, after the Protestant clergy were fairly paid, a portion should go in charity; it would be a more satisfactory arrangement than if the whole went to the rector. I think the public are very much in ignorance as to the amount of church property.

5678. Should you think 300 £ a year an unfair average payment for the Protestant clergy in Ireland?—I should think not; but in many instances where there is a rector the curate would do the duty, and give more satisfaction. With large parishes and very small congregations it will be better to have perpetual curates and no rectors.

5679. Should you think for a perpetual curate, charged with all the duties that are incident and attach upon his character and situation, the incident of benevolence and charity, that a less sum than 300 £ a year would be reasonable?—I confess I know perpetual curates who live very respectably upon a much less sum.

5680. What are the incidents that apply to a rector that do not apply to a curate; are not the duties the same?—Yes; but if the clergy rose in our church as the officers do in the army or navy, for merit and long standing, if an arrangement of that kind could be made, the curates would naturally, after a certain service, be promoted, and a smaller sum would do; a man would take less revenue, with the certainty some future day of getting into a higher position

James Napper, Esq.

6 July 1832.

in the church: we know many very good curates that get small salaries, and have little or no expectation of rising out of the situation in which they are placed.

5681. On the other hand, should you not think there was a very great danger of encouraging sloth and of indolence if preferment was given by seniority as a fixed rule?—I confess I do not think that danger arises from that in the army or navy.

5682. Is not danger more produced by giving large sums to those who are never resident in the parish?—Certainly, I should think so.

5683. Do you consider the property of the Established Church in Ireland to be public property, or the property belonging as of right exclusively to the Protestant church?—I conceive that the church property in Ireland is as much the property of the public now as it was when it was the property of the Catholic church.

5684. By the public you mean that part of the public immediately in connexion with the church?—No; by the public I mean the State of the country. I conceive the question was this: do I consider that the public, or the State, have the control over the church property or not? My answer is this: that I consider that the property of the Protestant church is exactly as much the property of the public as the property of the Catholic church, to which it once belonged, was the property of the public, and the public have disposed of it from one church and given it to another; and the same right that was exercised then, if it was a right, might be exercised now.

5685. You are aware that that transfer still regarded the ecclesiastical purposes, and that it never carried any part of the property of the church out of the objects of the church in its application?—The objects of the church in Catholic and Protestant times seem to have been different; in Catholic times the church was bound to give a portion of their revenues to the poor.

5686. Could you state the period in the Catholic church when that regulation was observed; the latest period?—I believe it was the law that a part of the tithes should be appropriated to the use of the poor; but I do not believe that the poor ever had any legal claim or legal officer, or any responsible person on their part to receive it.

5687. Do you profess to be a very learned ecclesiastical historian?—No, certainly not.

Myles John O'Reilly, Esq., called in; and Examined.

*Myles J. O'Reilly,
Esq.*

5688. YOU are a magistrate of Queen's County?—I am; I have been so for 25 years, or thereabouts; and I have been lately nominated one of the deputy-lieutenants of the county.

5689. Have you been residing in the county during the late disturbances in it?—With no very material intervals in it I have been residing during the whole time; and altogether, within those latter periods that may be called disturbed, for the last three years.

Lanc, 9^o die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Myles John O'Reilly, Esq., called in; and further Examined.

*Myles J. O'Reilly,
Esq.*

9 July 1832.

5690. YOU are acquainted with the proceedings of the magistrates of Queen's County as connected with the disturbed state of it?—Perfectly; I am extremely intimate with several of them, and I have met them collectively and individually, and I believe I know accurately the general sentiments of the magistrates respecting everything connected with the Queen's County.

5691. It has been stated by persons of high authority that the progress of disturbance in the Queen's County was not owing to any defect of the laws, but to the neglect of the magistrates of the county; what can you say upon that point?—If that statement were made by a person not resident in the county, and who might be therefore presumed to be in some degree ignorant of the real state of the county, I should say it was a fallacious statement, and made in mistake; if it

it were made by any person really acquainted with the county, and who had a proper and just opportunity of judging between what might be true, and what was really false, I should say it was a most malicious calumny; I should go further, and, putting it in the mouth of a person acquainted with the county, which I can scarcely believe to be the case, I should say it was a calumny and libel, uttered and intended for the worst possible purposes.

5692. What time did those disturbances begin?—I should think the disturbances became observable in the early part of 1828; there were partial disturbances of what we consider Ribbonism.

5693. When did it take the character of general disturbance which has lately shown itself?—There were partial disturbances of Ribbonism in the year 1828; they manifestly continued to increase; early in 1829 they had materially increased; they then assumed very much more of a general character; early in that year the magistrates and gentry formed a subscription; they met, to the number of 37, and formed a subscription fund of upwards of 600*l.*, and paid an instalment of one-half to Mr. Wray, the sub-inspector of police, a very useful officer, who was appointed treasurer, and actually disbursed, in a manner very advantageous to the public peace, 300*l.*, and peace was thus materially re-established; several convictions were had, and adequate punishments were inflicted. In the year 1830 the moral influence of these examples, and a suspension of agitation, tended to promote tranquillity, until about the month of August, when somewhat suddenly, and emanating from some invisible authority, a general objection to tithe arose, and by declarations made, as I have heard, at chapels and elsewhere, the people became persuaded it would be in their power within two or three years to do away with tithe altogether. In the propagation of that doctrine the Roman-catholic clergy acted, as I have understood, with simultaneous energy; the agitators sought every opportunity to declaim against the church, the gentry and the magistrates; to stigmatize them as cruel aristocrats, and Whiteboy offences increased in number and in degree; notices became frequent, intimidation prevalent; disorder and derangement of all social relations progressed rapidly, but the more atrocious crimes of assassination and murder were still rare. At the Lent assizes in March 1831, the magistrates addressed the Lord Lieutenant "assuring him that no exertions on their part should be wanting to support the laws and the institutions of the empire; that it was their deliberate opinion that the legislative union between Great Britain and Ireland conferred important benefits on both, and that they therefore declared their determination to adhere to the present connexion between the two islands, and that they considered that a dissolution of the Union would be a prelude to national dismemberment; they returned their best thanks to his Excellency for the manly and unequivocal opinion he had expressed on that subject, and for his resolute and uncompromising administration of the laws, a course in which they expressed themselves confident his Excellency would persevere, as the only one whereby the authority of our gracious sovereign could be maintained in that country, and the blessings of the British constitution, and the preservation of private property, secured to its inhabitants."

5694. In what manner had the Lord Lieutenant expressed himself in the way you state?—There had been several addresses from other quarters of the country presented to him about that time, and his answers were so very strong as to repudiating the doctrine of the repeal of the Union, and so very distinct as to his determination to maintain the laws, that the magistrates of Queen's County, who were extremely anxious upon both subjects, thought it a proper and befitting opportunity to express those sentiments in which they were as a body unanimous. He returned, on the 31st of March, an answer to that address, corresponding with their wishes, and encouraging those expectations.

5695. What were the next proceedings of the magistrates?—In March 1831 the organization of the people, for the purpose of a general opposition to tithe, had been still industriously going on from the preceding autumn, when, during the assizes, the famous placard signed "*Anti-Tithe Tax*," was generally and publicly exposed, and even in the county town, whilst the Judges were sitting, and a copy of it was sent to the Government, and 37 magistrates then entered into the resolutions of the 10th of June 1831, which are already before the Committee. The general election in May produced a considerable excitement in the county; very violent speeches were made at the hustings by individuals who were not much entitled by station, education or principle, to take the part which they there assumed; they impugned the integrity of the whole magistracy in those speeches; not simply their integrity as individuals, but more particularly, their judicial integrity;

Myles J. O'Reilly,
Esq.
9 July 1830.

*Major J. O'Reilly,
Esq.*

9 July 1834.

grity; and immediately after the election was over, or rather before it closed, printed placards were posted in the different towns of the county denouncing several individuals, not merely magistrates, but others, who had thought fit to exercise the elective franchise according to their own feelings and own judgment, as traitors to their King and country. I saw my own name, and that of others more respectable than myself, included in that list of proscription. The temper and conduct of the common people appeared to be immediately and very seriously influenced by those representations and placards. Some of the magistrates, in consequence of two houses having been burnt in the neighbourhood of Stradbally, met there, which houses were burnt, as it was believed (and as I entertain no doubt) from political feelings of hostility to the individuals who possessed those houses, the one of them for having voted as he thought right, and the other for having not voted at all, rather than as the agitators of the county thought right. In consequence of those outrages there was a meeting of some of the magistrates held in the court-house at Stradbally, at which Sir Henry Parnell, the County Member, was present. A deputation of the magistrates waited on the Chief Secretary, with a view to take the sense of the Government as to the expediency of forming an armed association of the well-disposed inhabitants of all religious persuasions, to endeavour to counteract the mischief that were then in progress by the lawless part of the inhabitants of that county. The feelings of the Government having been expressed as favourable to the project, the magistrates met, to the number of 37, on the 10th of June 1831, and entered into those resolutions of that date, which are already before the Committee. The attempt to establish an armed association utterly and totally failed; the same sinister influence which produced so much agitation and mischief was successfully employed to defeat that purpose; wherever any exertion was made to procure the enrolment of names, under a form, which was very generally sent about the country for that purpose by the magistrates, and transmitted to all the clergy, both Protestant and Roman-catholic, to all the magistrates, and to a great many other influential persons in the county; wherever that attempt was made, the influence of agitators and others was exerted, either openly to oppose, or silently to counteract, that useful purpose; and in either case the opposition was equally successful. It was clearly ascertained that the association would necessarily, in practice, be confined to the Protestant population alone; and as the magistrates perceived that that would be a practical defeat of the general object whereby alone the probability of re-establishing good order by such an association could be secured, they were reluctantly and very unwillingly compelled to give it up.

5696. Was it at the meeting of June 1831 you were requested to act as secretary to the magistrates?—Yes, at that meeting of June 1831 the magistrates requested that I, along with two other gentlemen, would act as their secretaries, but I was particularly requested to undertake the more active part of that duty, which, as it gave me an opportunity of evincing my personal good wishes towards the county, and my respect for the magisterial body generally, I very willingly undertook, and have ever since very zealously fulfilled it.

5697. So that what you are now stating are facts altogether under your own cognizance?—There may be some facts, but they must be very trivial ones, in the statement I have made, which I have taken from the statement of other persons perfectly well informed.

5698. What are the proceedings of the magistrates you were a party to?—Not only a party, but in some degree the originating party.

5699. What proceedings have taken place since June 1831 on the part of the magistrates as a body, in their general capacity and character?—At the March Assizes of 1831 a remarkable trial had taken place of persons who engaged in a riot at the chapel of Ballynaskill, in consequence of the police attempting, by order of and in presence of a magistrate, to take down that remarkable placard the Anti-Tithe Tax, that has been already mentioned. Eight persons were convicted of that riot, and Baron Smith, who was the presiding Judge, took considerable pains, and in the most forcible and energetic language, to represent to those assembled in the court the dangers that were arising and would progress from that conspiracy, which he anticipated would become one against property of every kind; that property was the principle which held society together, and that the publications, though professing to dissuade from a violation of the law, and though adopting as its motto remission of that sort, and, as it were, proceeding to preach submission to the law, that nevertheless, in fact, it recommended not to violate the law
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but to haïlle, defeat and undermine the law in such a dexterous way as that those who substantially violated it might yet elude the punishment of the law. The address which Mr. Baron Smith then delivered on passing sentence on those rioters was, by the magistrates, published in a large placard, and in vast numbers posted up all through the county, and transmitted to all the clergy; put up in the public-houses, and in every other way endeavours made to render it as useful as possible. In the same placard the magistrates thought fit to publish an address of exhortation to the inhabitants of the county, in which they endeavoured, as far as depended upon them, to assist in promoting the good which the learned Baron contemplated in pronouncing that address. They particularly repeated his observations, that "while we recommend submission to the law, let us not therefore address to the lower ranks topics calculated to inflame their minds to a violation of the law, which we are vainly, if not hypocritically, calling upon them to obey. How can we expect to be thought sincere, if we say to a simple audience of, perhaps, more or less suffering people, 'only see how the law oppresses, impoverishes and degrades you, but listen to a friend's advice, and render to the law implicit reverence and obedience.'" The learned Baron added, "I have ceased to be acquainted with this county. I once knew it, and if it be not changed from what it was, its magistracy, while they pull together, as they ought to do, while they exercise a legitimate influence over the humbler classes, as they ought to do, and as it is for the benefit of those classes that they should do, they are kind and indulgent protectors of them; they are so, unless the character of the county be changed, and I have no reason to suppose it is." At the same assizes three other persons had been capitally convicted for a Whiteboy attack on the house of William Mahon, a land surveyor, on the night of Tuesday the 31st of May 1831; and Baron Smith, when appointing the 25th of August as the day of execution for those three individuals, stated, "That it was the state of the country that might render example indispensable, and if that state should be improving, and if the magistrates should find that example, short of death, would be sufficient, and represent to that effect, he should be most willing to co-operate with their humanity; that therefore, if mercy should be extended, to the protecting and kind interference of the magistrates, rather than to him, however willingly he might concur, should those persons be indebted, and to the magistrates those convicts, and the lower orders, ought to be proportionably grateful." The magistrates therefore called, by the printed papers already mentioned, upon all persons who were likely to be able to exercise a beneficial influence in the county, to try anxiously and zealously to promote a better temper in the people, and, above all, to induce them, by every influence that could be exercised, to give up those habits of disturbance that had disgraced the country, and particularly to surrender the arms which they even at that time had rolled in considerable numbers. As the day for the execution approached, the magistrates became extremely uneasy, finding that their efforts to induce the surrender of arms, and to excite that influence which they hoped might have been effectual for that purpose, had altogether, or nearly altogether, failed; it certainly did not appear that those efforts were made, which certain persons in the county had it perhaps more particularly in their power to make, to induce the surrender of arms, and the sum total of arms that were so surrendered upon that occasion amounted to a very few stands, principally given up, or coming from the immediate parish or parishes to which those culprits belonged. The magistrates had hoped that they might have had a better warranty than their own wishes to interfere to save the lives of the three convicts, but felt themselves obliged finally, under the influence of humane feelings towards persons whose crime had not been attended by any personal violence on the inhabitants of the house that had been assailed, and who were in their then helpless state utterly unable to exercise any influence among their confederates in order to save themselves; the magistrates, under those circumstances, held a general meeting, and determined to petition the Lord Lieutenant to commute the capital punishment of those three unfortunate men. The magistrates upon that occasion were not without a well-founded suspicion, amounting indeed to a conviction in the minds of the greater part of them I believe, if not the whole, that it was the object of those persons whose influence had not been used for the tranquillization of the country, but the contrary, that the execution of those three men should take place, and that it should be imputed to the want of humanity, or to the blood-thirstiness, of the magistrates, that such a catastrophe should have occurred. Independent

Myles J. O'Reilly,
Esq.
9 July 1832.

Myles J. O'Reilly,
Esq.

9 July 1832.

pendent of those efforts which the violent speeches of the agitators of that county had exhibited to render the magistrates contemptible and hateful in the minds of the common people, efforts had been previously made from a much more influential quarter to accomplish the same purpose: Dr. Doyle had taken effectual means for that purpose; he had, in his "Letters on the State of Ireland," page 52, described the magistrates generally in these words: "But the great mass of our little esquires, who are called gentry, are men of much pride and little property, possessing a few hundred pounds a-year, God knows how acquired, labouring perhaps to keep a carriage, if not, to have at least a dog, a horse, and a gun. They are made up of every possible description of persons. I could delineate them accurately and minutely, but I think it better to state generally, that a great portion of these men are the very curse and scourge of Ireland; they are numerous, they are very ignorant, they are extremely bigotted, they are exceedingly dishonest, they tell all manner of falsehoods, and so frequently as to assume with themselves the appearance of truth; in a word, they could not be entrusted with your honour or your purse, and multitudes of them have no regard for the sanctity of an oath; they are those men who often obtain the commission of the peace, and trade by it; who get all the little perquisites arising from grand-jury jobs; who foment discontent, who promote religious animosity, who are most zealous with the saints in distributing tracts and bibles, who are ever ready to attend vestries, to impose taxes, to share in their expenditure, to forward addresses to pray for the Insurrection Act, or any other Act which might serve to oppress the people, and render permanent their own iniquitous sway." Under these circumstances, the year 1831 closed without any improvement in the county, and the moral effect which the assizes had been calculated to produce, and that influence which it might naturally have been expected the eloquent and energetic observations of the learned Baron Smith might have been expected to effect, were rendered worse than nugatory; the respect for the laws and magisterial body, and for the gentry of the county, individually or collectively, deteriorated and decreased in a most remarkable degree: as an individual I would scarcely have believed that such a perceptible change could, within that space of time, without any fault or culpability on my own part, have taken place, as I observed in the general appearance and temper of the individuals, as I was passing along the road, towards myself individually; and I make no doubt that that species of change was much more remarkable and much more observable in respect of other individuals whose conduct had been, I believe, equally respectable and as little culpable as mine. In the early part of the year 1832 the commissions of all the magistracy of Ireland were considered to have ceased by the demise of the Crown, and the magistrates received official notice that they could not any longer act under those commissions; it was at the same time intimated to them that they might receive new commissions on payment of certain fees: as many of those magistrates had already paid fees, to the extent of 10*l.* for each commission, and several of them for more than a single commission (I myself had paid for two,) they were called together by the lord-lieutenant of the county, and in most respectful terms submitted to the Government, that they considered those fees, if not unjust, at least impolitic, and requested their remission, stating at the same time, however, their full determination not to allow the decision upon that point to have any influence whatsoever on their conduct as magistrates, but that, on the contrary, they were fully determined to fulfil their accustomed duties at whatever cost and under whatever circumstances. They received in reply a copy of a letter written by the Lord Chancellor of Ireland, addressed to the Earl of Longford, dated the 26th of December 1831, stating, that those fees were legal, and that he had no interest directly or indirectly in them; under those circumstances there was some delay in the taking out of the commissions. Some of the magistrates did take out commissions, and others delayed and postponed doing so, during the discussions in Parliament as to the fees; not with any intention, as I am fully and well persuaded, and as I personally know, of foregoing any part of the trouble of the magisterial office, or upon any still more unworthy principle of denying to the Government and to the country the benefit of their services, in order to save to themselves that pecuniary amount, so entirely contemptible, as to be no object even to the poorest of them: but the delay of taking out the commissions did for a time so far obstruct the administration of the law within the county as it had relation to the holding of the petty sessions; but long before those fees were utterly abandoned and pronounced illegal, a great many of the magistrates had

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received their commissions, and paid for them, and all were as anxious then, as at any time within my knowledge, to promote the well-being of the Queen's County, and to fulfil the duties they had been long in the habit of performing, in the most disinterested, exemplary and respectable manner. On the 22d of February 1832, "At a general meeting of magistrates of the Queen's County, at that time in the commission of the peace, or who having lately held the same, had not yet received the renewal thereof, duly convened and presided at by Viscount De Vesci, lord-lieutenant of the county, at Maryborough, to take into consideration the disorganized and alarming state of many districts of the county, it was unanimously resolved: First, that the disturbances which prevail in this and some of the adjoining counties, and the general state of insubordination, has arisen to a most alarming height. 2d, that a systematic plunder of arms from the loyal and peaceable inhabitants continues to be exercised at all hours, so that no man can venture to leave his house unguarded at any hour in the four-and-twenty; it appearing that within the last three months, 133 houses within the confines of the Queen's County alone, have been attacked, from 65 of which arms were plundered, in many cases in considerable numbers, independently of those procured by an organized system of intimidation, and therefore not reported to the police; and in addition to various other outrages committed on the well-disposed inhabitants. 3d. That every day's experience convinces us that the law, as it now stands, is wholly inefficient to put down the dangerous combination which at present prevails, and that nothing would so effectually tend so to do as the re-enactment of the Insurrection Act, which has, on trial, been found effectual for restoring the public peace, and affording security and safety to the peaceable and well-disposed. 4th. That we do therefore request the lord-lieutenant of our county to represent to the Government the necessity of the immediate attention of the Legislature to this subject, that they may adopt such measures as they in their wisdom shall think fit to enforce the observance of the laws, and by so doing to restore peace and order in this distracted county. 5th. That it is our opinion that an increase of 60 men should be immediately made, under the Constabulary Act, to the police of the Queen's County, and that Viscount de Vesci be requested to apply to His Excellency the lord-lieutenant to direct such increase, which we on our part guarantee to sanction at our next quarter sessions, but that such number shall not continue to be kept up hereafter by ensuing quarter sessions, unless a general meeting of the magistrates shall deem it necessary."

(Reply.)

"Dublin Castle, 28 Feb. 1832.

"My Lord, I have the honour, by desire of the Lord Lieutenant, to acknowledge the receipt of the Resolutions entered into at a general meeting, at which your lordship presided, of the magistrates of the Queen's County, to take into consideration the disorganized and alarming state of many districts of that county. The Lord Lieutenant directs me to assure your lordship, and the several other magistrates concerned, that he deeply deploras the disturbances prevailing in the Queen's and adjoining counties. His Excellency's most earnest attention has been directed to their suppression. Certain districts have been proclaimed and placed under the operation of the Peace Preservation Act. The military force has been augmented, and the best energies of the constabulary called forth. Until it has been found that these and all other measures within the law have failed in restoring the country to a state of order and tranquillity, His Excellency would not be disposed to recommend the enactment of the Insurrection Act. The Lord Lieutenant will be always ready to afford to the magistrates his best aid and support in the vindication of the laws. The application for the augmentation of sixty men to the constabulary force of the county, although not made at quarter sessions, yet coming from and being guaranteed by so respectable a body of magistrates, His Excellency will immediately take upon himself to order. I have the honour to be, my lord, your lordship's most obedient humble servant,

"Lord Viscount de Vesci."

"William Gosset."

5700. Were those resolutions signed by the magistrates, or was there any dissent to any portion of those resolutions?—They were, on the same day, sent in manuscript, signed by Lord de Vesci, the lord-lieutenant of the county. I cannot

Alfred J. O'Reilly,
Esq.
5 July 1832.

say whether they were signed by the magistrates individually, but there was no dissent to my past that I recollect. The disorders in the county rapidly and materially increased, and at the assizes, on the 20th March 1832, at a general meeting of the magistrates and civil authorities, convened by the lord-lieutenant of the Queen's County, those resolutions were entered into, and that petition framed and signed, by all the members of the grand jury, by the lord-lieutenant of the county, and the high-sheriff, comprising in all 47 names, of whom 41 were magistrates. Amongst those names there is not, as I believe, and as I dare say the Chairman of this Committee will fully testify, a single one of doubtful respectability, and they include men of what is generally understood to be every party in the State.

5701. You were yourself what is called of liberal politics; you were an emancipator?—I was never adverse to the emancipation of my Roman-catholic fellow-subjects, but I have never taken any ostensible part in politics whatever.

5702. Did you ever join any political society, the Brunswick clubs, or any of those societies?—I never joined any political society, either liberal or liberal, in my life. I never attended any public political meeting since I was born, except that I once attended a meeting at the town of Maryborough, under a requisition to petition against the extension of the British Stamp Act to Ireland, at which meeting other persons of politics equally temperate with my own were disposed to attend, but it very soon converted itself into a democratic spouting meeting; I therefore, though present, took no sort of part in the proceedings, and Lord de Vesci, who had come several miles, intending to be present, went hastily away as soon as he discovered the tendency of the meeting.

5703. What further proceedings took place on the part of the magistrates?—At that meeting of the magistrates of the 20th of March 1832, all were unanimous in calling the attention of Parliament to the very disorganized and dangerous state of society in that county, and others adjoining it, and in calling for their wisdom to devise and apply such remedy as they thought fit. I think it is but right and just, in relation to the magistrates of the county generally who signed that petition, as well as to my own feelings as one of the subscribers to it, to protest altogether against the imputation which I have heard, even in high quarters, imputed to the magistrates, of seeking for the Insurrection Act specifically as the means of increasing their own power and authority for good or for bad purposes. I am quite persuaded that there is not a magistrate in the Queen's County who would willingly seek for, or voluntarily receive, if tendered to him, those unconstitutional powers which that Act is calculated to vest in the magisterial body; at the same time that I am quite assured they were unanimous in believing (as they fully expressed) that that, or some similar power, to be vested in some proper quarter, was indispensable towards the restoration of good order in the county, and the permanent maintenance of it. They put (and I think properly also) on the face of their resolutions, their opinions relative to the Insurrection Act, and they asserted (and I know with reason) that it had been found extremely efficient for the speedy restoration of order, when it had been applied to other counties. Several of them have had experience elsewhere, I believe, of how that Act had operated. I myself have had no experience of it whatsoever, but I have learned from the most competent authorities, from those highly respectable officers of the Crown who have been judicially employed in the infliction of it, and from Parliamentary evidence, that it had had in other places the most valuable and efficient operation to suppress disturbance and to restore order; and in calling the attention of Parliament to those opinions, the magistrates took especial care to suggest that an inquiry should be made, not from them, but from those persons who could give to the Government the most disinterested and the most perfect information on that subject; I therefore solemnly protest, in my own name, and that of all the magistrates I know in the Queen's County, and I know them all, against the very unwarrantable imputation of their having at any time been, or their now being, anxious to acquire to themselves that unconstitutional authority. I am at the same time quite persuaded that they have not changed their opinion (I have certainly not changed mine) that changes in the law, to render it more practically efficient, rather to prevent than to punish crime of an insurrectionary character, would be quite indispensable. I cannot contemplate those laws as efficient for the prevention of crime of that character, by which a comparatively slight punishment, being that of confinement only, is to be inflicted on persons who shall be discovered in the possession of arms, and even,

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by manifest inference, in the illegal use of them, at a time when the country is in a state in which neither life nor property is safe to any person inhabiting it.

5704. Was that the state of the county at the period of the last Lent assizes, when the magistrates met and agreed to petition Parliament?—It was then pre-eminently so; there was no property in land so small or so well established by legal right and possession that had not become the subject of invisible legislation; neither landlord or tenant could rely on covenants or occupation, and every day and hour of the 24 furnished new instances of notices delivered and obeyed, or followed by arbitrary punishment. The most revolting and severe assassination had been for some time a crime of ordinary and almost daily occurrence, and domiciliary visits for the most violent and illegal purposes were made at all hours of the 24.

5705. You state that the laws are inefficient as they are at present; what amendments in the law do you propose?—In stating that the laws are insufficient, I by no means mean to say that they are not abundantly severe, but I think them practically not suited to accomplish the objects they necessarily have in view.

5706. You complain that the punishment of imprisonment was not sufficiently severe; what else would you propose?—I complained of that punishment as being by no means sufficiently severe for persons found under circumstances of nocturnal armament: at the special commission there were five men surprised by the police with a lighted turf, near to a house that had been just previously attempted to be set on fire; their arms were found in excellent good order close to them, five or six stand of arms; they were not found in their hands, but at the dead hour of night they were discovered, and the punishment inflicted upon those persons is 12 months' imprisonment, without hard labour, without solitary confinement, with excellent good lodging and excellent food; and I think that punishment by no means sufficient to be inflicted upon persons discovered in arms in a county such as the Queen's County has been.

5707. Looking back to the state of Ireland since you have known it, or in reading of it at periods previous to that, have you not ascertained that severity of punishment which has been inflicted in Ireland for crime has not had the effect of putting a stop to it?—I think the severity of punishment inflicted in Ireland is very little calculated to arrest crime in its early stages; and looking back to what I have read of the disturbances in Ireland generally heretofore, and what I know of them myself, there has been, from the state (as I conceive) of the law as applicable to those early movements of disturbance, a defect which it would be very necessary to remedy by some laws, not, as I should suggest, more severe, but more practically applicable to the state of society in the country, and to the nature of the disturbances that arise.

5708. Will you state what you propose?—I very much regretted that Mr. Stanley was, by any influence, induced to give up the Arms' Bill he had brought in. I think it should be rendered highly penal to persons to have arms without having made, to some proper authority, an application, and getting a licence to keep arms.

5709. Are you not aware there has been for many years such a law enforced to prevent persons holding arms without having them registered?—I am aware of it, and have sometimes inflicted the penalties.

5710. What plan would you propose, then, or what provision is it in Mr. Stanley's Bill you approve of so much?—I do not know what the provisions of the Bill are; I know he pressed it, and that he was induced to give up the measure, which had so much plain common sense in it as applicable to that country.

5711. How can you speak to the common sense of that Bill the provisions of which you had never seen?—I only speak of it from having seen such statements in the papers as enabled me to form a judgment on its provisions, and I consider that the Chief Secretary of Ireland would not contemplate a measure deficient in common sense.

5712. Are you aware that the Bill was never brought in, and never printed?—I am not aware of the extent to which he proceeded before he was obstructed in the accomplishment of that purpose, which strikes me as being a very important one, connected with the tranquillity of Ireland.

5713. You are not aware of any one of its proposed provisions?—Not precisely; but I understood (and I believe I am quite correct in my apprehension)

Myles J. O'Reille,
Esq.

9 July 1832.

that they were calculated to prevent improper persons having arms, and there are a great number of improper persons in possession of them now.

5714. Is not the present Arms' Act calculated to prevent improper persons holding arms?—Yes, it is, to a certain extent; but if it was efficient for that purpose there would not be in the possession of the insurgents in the Queen's County the vast number of arms which it is quite notorious they do possess.

5715. In speaking of arms, you allude solely to fire-arms?—I am not aware of what other arms the populace may have; but I am quite aware they have a great many fire-arms.

5716. Do you conceive, if all the fire-arms in Ireland were taken up, that the peasantry in Ireland would not have in their hands weapons much more efficient?—I should think if fire-arms were not considered the most efficient weapon, that His Majesty would not have adopted them for the army, and the anxiety of the insurgents to procure them is a pretty good proof they are of that opinion also.

5717. Are you aware it is the opinion of military men it would be better to attack an insurgent body armed with muskets than an insurgent body armed with other weapons?—I presume pikes are meant.

5718. Pikes or pitchforks, or any other weapon they might use?—I should think it very likely that military men may have formed that opinion, and they may have formed it with perfect justice; but it does not appear to me that that affords any reason why every means that could be taken to prevent the common people getting possession of fire-arms should not be taken.

5719. What would you suggest, from your experience as a magistrate, to make the present Arms' Act more efficient?—I should propose that no person should possess arms without having taken out a licence for that purpose; that he should take out that licence under the unanimous sanction of several of the magistrates; perhaps I would require also, in addition, the distinct sanction of the lord-lieutenant of the county, and I should propose, on receiving that licence, he should render himself voluntarily liable to express responsibilities; I should hold him accountable to reproduce those arms whenever called upon by some properly constituted authority; and for that purpose, and to place them in safe dépôt if ordered so to do, I should always hold him responsible to use those arms, when called upon by the civil authorities, to assist as a special constable to maintain the law, and to join the magistrate in any pursuit, or in any express effort to sustain the law; those liabilities to be ensured by correspondent penalties.

5720. Are you not aware that such as you have described is the law at this present moment?—I do not know it to be such; and I am quite sure of this, I have never practically had the benefit of it in my magisterial capacity.

5721. Do you not know that no man can legally hold arms who has not registered them at quarter sessions before the bench of magistrates?—I know he cannot legally hold them, and he renders himself liable to a certain penalty provided he can be detected with those arms.

5722. What means should you propose to detect him according to your plan; you have stated none yet?—There might be a penalty applied much more efficient than the 10*l.*; I would make it a misdemeanor, and increase the fine; he should suffer in pocket and person also.

5723. Would you exempt any class from that law?—Not any class, even the lord-lieutenant of the county; no man should, in Ireland, be allowed to possess arms who would not subscribe to conditions calculated to afford security and not danger to the State.

5724. You would make it a misdemeanor for any British subject to have arms in his hands except licensed by the magistrates of the county?—I cannot apprehend it is putting a hardship upon any well-disposed individual to make him apply for a licence that could not be well withheld from him; at the same time, and in the same way, as I do not conceive it is any hardship that any person who goes out to shoot game, or walk upon the King's highway with a greyhound or dog to pursue game, should not be allowed to do so without a licence, as has been for years the case in England and Ireland under the Stamp Act; he is a purchaser with notice, and not compellable to buy.

5725. Would you not give the magistrates a discretionary power to refuse or grant that licence?—I think a discretionary power ought to be vested in some quarter, where it would not be, and could not be, administered capriciously; and I do not think they and the lord-lieutenant of the county would abuse such power.

5726. Would

Myler J. O'Reilly,
Esq.

9 July 1832.

5726. Would you give the power to sue by action to the individual refused his licence on an unjust ground?—Whatever those legal remedies are which apply to other cases where individuals seek rights which minor tribunals attempt to withhold, should be given to those persons seeking this licence for arms, if capriciously or improperly withheld from them; but in practice I am sure such appeals would not be necessary.

5727. Have you never known instances of a licence to hold arms being refused by the magistrates to very respectable farmers?—I have not been present at such capricious refusals, but I have often made refusals myself, or coincided with others who did make them.

5728. Have you ever heard that the law to keep arms has been made a matter of favouritism?—I never did hear it; it was never so acted upon in my presence. I never gave a recommendation to keep arms that my brother magistrates did not coincide in, and I never withheld one where I thought the party was likely to preserve them for a good and useful purpose.

5729. Does not the practical effect of a fine of 10 *l.*, when inflicted upon a poor man, amount to the full punishment of a misdemeanour?—It is a good pecuniary punishment so far as it goes, but it is not always easy to inflict it. If a man does not choose to pay the 10 *l.*, the punishment (putting the alternative) is very inadequate, as I conceive, to be inflicted upon persons illegally possessing arms in such a county as the Queen's County has unfortunately been converted into.

5730. Would you propose to apply the severity of this supposed Act to any county, whether disturbed or not?—I will not admit the word severity as applicable to that which I conceive no hardship. I do not understand that the word severity applies to a man seeking to keep arms for good purposes, and who is to get his licence upon showing that he ought to get it.

5731. It may so happen to an individual that arms may be placed by an enemy in his house, and he found there upon the information of this enemy, and he may be subjected to this fine and punishment, though a perfectly well-conducted and innocent person?—If I understand the allusion to the law as it at present stands, I am not aware but that he might be subject to the penalty of 10 *l.* in the case now put, but I think that the magistrates, or the court, that would inquire into such a case, would very readily come at the truth and to the bottom of it; and I do not think it likely that any greater injustice would be done in that case than in the case as the law stands at present as to the fine of 10 *l.*, and which I never knew to be inflicted upon any person who did not well deserve it.

5732. Do you suppose that the obliging persons to register arms in the way described would prevent peasantry going to those houses and taking away those arms, as they have done, recently, arms not registered?—They could as easily take away arms registered as they do those that are not registered, or that have been in the hands of the yeomanry of the county; but if the possession of those arms that were so taken away was rendered extremely penal, and would subject the possessor of them to a very high punishment, I think it would meet the objection that is insinuated; and a distinct penalty on the man losing his arms in such manner would make him give resistance.

5733. You have stated that subsequent to the late election two houses had been burnt, and that upon that there was a general meeting of magistrates, consisting of many magistrates, at the town of Stradbally?—I did not precisely say that there was a general meeting.

5734. Was not there a meeting of magistrates at Stradbally?—There was a meeting, and investigation made by certain magistrates.

5735. How many magistrates?—Several of the magistrates, and Sir Henry Parnell also attended.

5736. You say, subsequent to this meeting an application was made to Lord Anglesey, setting forth the state of the county, and calling for the enactment of the Insurrection Act; and that his answer was, that he did not concur with those magistrates at that period?—It was long subsequent to that period.

5737. At what period did the memorial go to Lord Anglesey stating the necessity of the Insurrection Act?—The 22d of February 1832, long after the election.

5738. At that period those magistrates thought a measure similar to the Insurrection Act necessary?—Yes, in February 1832.

5739. In the month of March 1832 they forwarded a petition to Parliament?—Yes.

5740. Not having been satisfied with the answer they got from Lord Anglesey, they

Myles J. O'Reilly,
Esq.

9 July 1832.

they forwarded a petition to Parliament with the same prayer?—Not so much from being dissatisfied with the answer.

5741. Not thinking it was one that would quiet the county?—It was not so much from dissatisfaction with the answer sent by Lord Anglesey as from the most extraordinary and incredible increase of crime of the worst character, rendering the magistrates still more uneasy and anxious at the dangerous state of the county.

5742. But at the time they memorialized the Marquis of Anglesey, in February 1832, and the time they petitioned Parliament in March 1832, they were of opinion, if not the Insurrection Act, an Act similar to that was required, inasmuch as they set forth the benefits of it?—They were of that opinion at both these periods, and I sure are so still.

5743. Have you not said, on behalf of the magistrates of the county, in specifying the Insurrection Act, mentioned in their memorial or their petition, that that was not what they actually wished to have applied to the county?—The magistrates, in their memorial for the Insurrection Act, and also in their petition to Parliament, were in both instances anxious that some efficient measure to repress disturbance should be applied, and that speedily, to the Queen's County; but I protested then, and I do so again, as far as my own opinion goes, and I am satisfied I am speaking the opinion, if not of every individual magistrate, certainly I do not know one I would except, in saying, that they did not and do not wish to be the instruments themselves of exercising a power of that nature; on the contrary, I said, and I now repeat, I am quite certain they would be very unwilling to receive and exercise such power at any time.

5744. Allow me to read to you one of the resolutions that form a part of the petition, or connected with the petition, laid on the table of the House: "Your petitioners must observe, that severity to the evil-disposed is humanity to the good, and they feel confident that thousands of industrious farmers and peasants will hail with satisfaction the replacing the Insurrection Act on the statute book, which, if enforced, will oblige those who are in the habit of assembling for the purpose of committing outrages to remain in their houses during the night." When such resolutions, connected with that petition, were laid on the table of the House of Commons, would you not, if a Member of the House of Commons, consider it in the light of a recommendation to the Legislature to replace that Act upon the statute book?—The best answer to that is to be found in the prayer of the petition; the prayer goes to show exactly what the magistrates sought for, and what I hope they will still obtain.

5745. The prayer is, "that your honourable House will be pleased to take into their full and serious consideration the perilous state of this county, and institute such inquiry into the facts in this petition as may tend to the adoption of such legislative measures as your wisdom may direct, for the suppression of that relentless system of murder and intimidation and outrage now existing in this once tranquil county." Although it be certain, in the prayer of the petition, you do not immediately call for the Insurrection Act, yet when that is connected with the preceding resolution, coming from 47 gentlemen, do you not think such might be considered as a recommendation of the Insurrection Act?—I do not consider it to be my province to pronounce upon the intellectual abilities of the House of Commons; and what construction they might be pleased to put upon that resolution, or that petition, is matter for their wisdom, and not for my judgment to venture to pronounce upon; but I think that the whole of the petition is a plain and temperate disclosure of the lamentable state of the county, coming from a very numerous and most respectable body; and though including a general representation of facts, does not infer, on the face of the resolutions, or on the face of the prayer, any attempt on the part of the magistrates to dictate to the House of Commons what judgment they are to put upon it; the object was to produce that Parliamentary inquiry that is now taking place.

5746. I will read another subsequent resolution, in which the petitioners state that they "are fully confident that an inquiry into the facts attendant upon the operation of that statute," meaning the Insurrection Act, "will justify their assertion, that in all instances it has produced a talismanic influence on the neighbouring districts to which it has been applied:" now, supposing the House of Commons, which consists of many English and Scottish members, not to possess the very great wisdom and ability which it is generally supposed they do, should you not consider that a strong recommendation with simple men for the adoption of such
a measure?

a measure?—I should think that any mistake that simple men coming from Scotland or England (supposing them to merit that epithet of distinction) might be liable to fall into in the House of Commons (supposing such inference true), ought to be set right by the superior wisdom of the Irish Members, who would be better acquainted with the local condition of their own country.

5747. The date of this petition is the 30th of March; and fully agreeing with you that the state of the county was very frightful at that time, will you explain to the Committee how it happened that this Committee was not appointed till the month of June, three months subsequent to the date of the petition?—The best answer can be given to that by the County Members, to whom it was entrusted; but I am aware myself that some delays necessarily arose before that petition could be accompanied by those official documents that were calculated to give it the weight it otherwise could not possess as a mere statement of facts. I myself was instrumental in procuring these official papers, by which the progress of crime and the vast increase of it has been laid before the House; and I was the person who took the principal trouble in forming the whole series of documents and statements which enabled those Members to lay that case before the House, and without which they really could not have done it; and I am not aware that there was any negligence or delay that was avoidable on the part of the magistrates in furnishing those documents, and I should be very sorry to think there was either neglect or delay in the Members of the County in bringing forward the case before Parliament with as much expedition as they could.

5748. In putting the former question to you it was not put with a view of throwing blame upon parties, but in consequence of the frightful statement you made of the condition of the county at the Lent assizes; and I conceived if the county was in that state there should not have been that delay in obtaining the Committee; and therefore it surprised me to hear such a statement, and to find from the dates that the Committee had not been appointed till three months afterwards?—I believe that the delay in appointing the Committee arose materially from the parliamentary opposition that took place, which precluded Sir Henry Parnell from accomplishing the appointment of the Committee at the time he attempted so to do, and he wrote me several letters (not to me individually, because I was not entitled to such an explanation), but through me to explain to his constituents in the county and the magistrates, the particular reason why these delays took place, and the nature of that parliamentary obstruction and opposition of which he complained.

5749. What time was the petition sent to Sir Henry Parnell, the petition having been agreed to on the 20th of March?—Immediately after the petition was agreed to and signed, and when the engrossment was made complete, it was printed in the form in which it was to be presented to the House of Commons, and also in the form in which it was to be presented to the House of Lords; a very great number of copies were sent, at considerable expense, to different Members of both Houses, with as little delay as possible; those printed copies reached the County Members sooner than the engrossment did, but the engrossment reached them time enough to have had the Committee appointed much sooner than it was appointed, had it not been for that Parliamentary opposition and obstruction which I have alluded to, and of which several Members of this Committee are specially aware.

5750. Did it not, in point of fact, arrive in the possession of the Members the week immediately preceding Easter, so as to render it impossible to bring forward a motion with any advantage in consequence of the recess then coming on?—It did.

5751. Did not a further delay, after Easter, take place in consequence of the resignation of Ministers?—I think so.

5752. There was a resolution agreed to in June 1831 to form a voluntary armed association, which you have already detailed, and you have stated to the Committee that that scheme in June 1831 had failed, and you have stated that a form had been circulated through the county setting forth the sort of principles upon which it was to be formed?—It is printed among the papers, and before the Committee.

5753. Could you inform the Committee if any personal applications, either to your own tenantry or to others, were made to form this association, and whether they declined or otherwise?—The steps I took individually were confined to my own immediate neighbourhood, and I made out a list of, I should think, from 25

Myles J. O'Reilly,
Esq.
10 July 1832.

Myles J. O'Reilly,
Esq.

9 July 1832.

to 30 individuals, principally Roman-catholic neighbours, not tenants of mine, whom I thought would be very useful members of such an association, excellent good people as could possibly be; and though I did not contemplate that those persons, to the full extent of that number, were either likely to receive arms from the Government, or that it would be desirable to place such a number of arms in a confined neighbourhood, I nevertheless thought they would be very efficient and useful members of such an association, and I was anxious to promote it. Under those impressions, I spoke to some individuals, rather with a view to ascertain what the feeling upon the subject might be in that part of my neighbourhood than directly to solicit them to become members of the association, and I found, within a few days afterwards, that from some cause which I could not well understand, (for there was no visible influence used in my neighbourhood that I am aware of,) I certainly did perceive that there would not be that disposition to join in it which I had partly seen and entirely expected, and I began to think that I had been much more sanguine as to the practicability of such an association than I had real warranty to be.

5754. But you are not aware whether there were any apprehensions on the minds of those individuals that they might be called to perform duties that they considered injurious to their interests, such as aiding in the collection of tithes, and serving under the magistrates in other ways which they would consider injurious to their interests; and that this, in a great measure, deterred them from joining; are you aware of any feeling of that kind?—I am not aware of the feelings which operated to prevent them; I am only aware of the fact that it altogether failed.

5755. But you say it was soon found that the association would be confined to Protestants; will you have the goodness to say how you found that out?—Because I found that several other gentlemen of the county had made the same discovery that it struck me I had made myself, that we were altogether mistaken in thinking there would be a full and perfect co-operation of Catholics with the Protestants for that purpose; in comparing with other magistrates and gentlemen, I found that they had encountered disappointments similar to that which had been experienced by myself.

5756. Did you find that the Protestants were ready to act with you?—I do not know that I made any distinct applications myself to Catholics or Protestants, and that I received a distinct engagement or a distinct refusal, but I ascertained the pulse of my neighbourhood quite sufficiently to satisfy me that a general armed association could not be accomplished.

5757. It has been stated by Mr. Stapleton, that he applied to some landowners in his neighbourhood, and that they applied to him to know if they would be forced to assist in the collection of tithes, and upon his not giving a clear answer, it failed; do you not think that the same feeling may have operated in other parts of the county?—It is very likely it may have operated in other parts of the county, and it is more than likely it did, since he stated that it did operate in his part; but I do not know that it operated in my neighbourhood, nor was it at the time contemplated by me, or by others, that that armed association was to act for the purpose of enforcing tithes; but as I am quite aware that the confederacy against tithes had been promoted and enjoined some time before, it seems extremely probable that such a feeling did operate to influence the Roman-catholic peasantry of the county, and thereby to obstruct the formation of that association.

5758. Enjoined by whom?—That refers particularly, I conceive, to the Anti-Tithe Tax placard before mentioned, and the object of which had been more materially promoted by the subsequent Pastoral Letter of Dr. Doyle, in which he does enjoin in very strong terms: "As to tithes, employ against this devouring impost all the resources of your wit and talent, with all the means that the law allows; but in your opposition to this pest of agriculture and base of religion, keep always before your eyes a salutary dread of those statutes which guard the tithe; let no violence or combination to inspire dread be ever found in your proceedings; justice has no need of such allies; in these countries, if you only obey the law, and reverence the Constitution, they both will furnish you with ample means wherewith to overthrow all oppression, and will secure to you the full enjoyment of every social right."

5759. To recur to the subject of this form of enrolment, which the Committee perceive, for this association, there is nothing set forth of the duties that the parties associating

associating are to perform, merely to place themselves under the direction of the magistrates; would you conceive that any body of men voluntarily forming themselves into an association of that kind, to be placed under the control of the magistrates, would subject themselves to be called upon to assist in the collection of a tax designated as it has been by the Catholic Bishop of the diocese, and not over popular with the Protestant population themselves, as I think?—The objects of the magistrates in proposing an armed association are, as it appears to me, sufficiently and reasonably well expressed on the face of their resolutions, and more particularly explained in the placard which was, at the time, very industriously posted throughout the county, and which having been printed by the Committee already, it is not necessary for me here more particularly to reply to; there was not in the resolutions, nor in the placard, any allusion whatsoever made to that impost which Dr. Doyle has pronounced to be "the pest of agriculture and the bane of religion;" nor am I aware that it is so unpopular amongst the Protestant population as the question presupposes, and in which opinion it invites me to concur.

5760. You have stated, or given the Committee to understand, that the payment of tithes is not unpopular, as you think, with the Protestant population in the Queen's County; have the Protestants paid tithes, as far as your knowledge goes, or are you aware, at this period, or any other, they have petitioned Parliament on the subject?—I do not know to what extent those petitions which have been handed upon the table of the House of Commons latterly have been signed by Protestants; I believe they have been signed by very few indeed; but I am quite aware that the general feeling of hostility to tithes is of a very different complexion and extent in the two persuasions.

5761. Do you not think it would be highly desirable if associations, such as have been above alluded to, either armed or unarmed, could be established in the Queen's County at the present day to secure that permanent tranquillity that we cannot be certain of, and which might be effected by those means?—I think that the new line of religious demarcation, which so many circumstances, and such a powerful influence, has gradually, in such a marked and decided manner, produced, would not permit a reasonable expectation that a co-operation, such as would be efficient for the important purpose of preserving the peace of the county, could well be established.

5762. In the prayer of the petition from the Queen's County, Parliament is called upon to adopt such legislative measures as may suppress outrage and establish tranquillity. Supposing you were called upon to advise the Committee with respect to the framing a Report, what measures would you recommend?—I should recommend some enactment which would enable the Government, upon proper representation being to their satisfaction made, to place the county, or any portion of it that they thought right, under a restriction which would impose upon individuals the necessity of remaining within their houses, and would subject them, if detected abroad at night, when the county was in that state which I have premised the Government should have recognized and declared as being disordered and disturbed, should subject them to direct punishment for that which under other circumstances ought not to be visited by any punishment whatever; and I am quite persuaded that that statement which appears on the face of the resolutions upon which the petition of the magistrates to Parliament has been founded, namely, that thousands of respectable farmers would hail with satisfaction the re-enactments of the Insurrection Act, would particularly apply to any measure calculated to restrain, not even their own servants only, but the very members of their own family, from going abroad, either to participate in mischief or to encounter the danger which necessarily might arise to them from being led into mischief practised by other persons; and I am farther thoroughly convinced that such a measure would be still more welcome to those quiet, well-conditioned and industrious farmers to whom I have alluded, in thus affording an immediate, efficient and practical mode by which the great severities of what is called the Peace Preservation Act would be obviated in respect of those farmers themselves; for the Peace Preservation Act practically imposes upon those farmers, and upon the produce of their industry, heavy penalties, which they have neither deserved nor incurred, but which others beyond their control have both deserved and ought to have suffered; and that they would consider such domestic restriction, as has been mentioned, as a great benefit to themselves in both ways.

5763. Have you any other measure to propose of the nature alluded to in the petition?

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Myles J. O'Riada,
Esq.
9 July 1842.

Myles J. O'Reilly,
Esq.

9 July 1832.

petition?—I think that the nature and character of the punishments usually inflicted for insurrectionary offences of the Whiteboy character have a double fault, that of being (by a sort of paradox) at the same time too lenient and too severe. I heard in the House of Lords, on Lord Roden's motion, an *exposé* made by the Marquis of Lansdowne of all those penalties and punishments which the Whiteboy code inflicts, or may inflict, and by that it appears that the punishment of transportation, even for life, may be inflicted for crimes that have but a very small share of moral turpitude, and no act of violence immediately connected with them: and I am aware, at the same time, as I have already mentioned in the previous part of this examination, that very inadequate punishments are awarded in other particulars by the same code. I cannot myself understand that it is any severe punishment to an insurrectionary peasant to be confined in a wholesome prison, with a surgeon to look after his health, with the necessity of observing habits of strict cleanliness, with nothing to do, and comparative comfort, with good lodging and wholesome food, or that it is a punishment by any means such as is calculated materially to act either towards the reformation of the individual himself, or by example to deter others from committing similar crimes; and I think, independently of the anomalous objection to the law as at the same time too lenient and too severe, that the practical difficulty of getting convictions, and of ensuring the infliction of punishment of some sort or another, is so very great, and that the impunity is so extensive, that great and almost insurmountable difficulties stand in the way of the law: it is a fact that I am quite assured those simple English and Scottish gentlemen that were alluded to by a previous question would scarcely credit on my statement, and perhaps not even my oath, that I have seldom or ever been present at the trial of a culprit for insurrectionary offences, where the punishment was or might be transportation, that if it were not for the moral shame and for that feeling which would restrain an educated and civilized person from making such a choice, I have seldom been present upon such an occasion that I would not have preferred standing in the place of the man in the dock, and encountering the punishment the law might award, even including transportation, rather than stand in the shoes of the unfortunate witness on the table, who had previously, perhaps, suffered the greatest possible outrages, and who then had come forward to do what in Ireland it seems generally thought to be (and, I lament with too much reason) a foolish thing to do, namely, to come forward to vindicate the laws.

Mercurii, 11^a die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Myles John O'Reilly, Esq. called in; and further Examined.

Myles J. O'Reilly,
Esq.

11 July 1832.

5764. DO you think the petitioners for an inquiry into the laws would be satisfied if this Committee were to report in favour of anything short of the Insurrection Act?—It is already very fully stated, on the face of my testimony, that the petitioners are far from distinctly seeking for the re-enactment of the Insurrection Act.

5765. Then that being the case, what measure is it that they look to by way of something stronger than the present law?—They have looked to the wisdom of Parliament, and I hope not without reason, for the enactment of such laws as will be applicable to the state of the country, that state being proved to Parliament, through this Committee, upon the most irrefragable testimony, to be such as ought not to be permitted to exist in any civilized country.

5766. What do you mean by "such laws," what kind of law?—It would be presumption in me to prescribe to Parliament what would be wisest to do; but I have already, at the desire of the Committee, expressed an opinion with respect to two or three matters of enactment that would appear to me to be indispensable.

5767. One is as to domiciliary visits at night, in case the country is in a state of disturbance?—Certainly.

5768. Another would be a better arrangement of punishment for offences?—Yes, punishments more suited to the character of the offences, and to the nature, the habits, and moral opinions of the people.

5769. And

5769. And then a third would be a strong measure with regard to seizing arms? *Myles J. O'Reilly, Esq.*

—Certainly.

5770. If not registered?—Yes; but these are not the only measures.

5771. What others would you propose?—A total stop to be put, a complete legal obstruction to be opposed, to all manner of meetings in large bodies of the peasantry, for purposes affecting to be legal, but being in themselves, according to the opinion of much wiser persons than myself, even as the law now stands, quite the contrary.

5772. Will you explain what meetings you allude to?—I allude to those meetings which have latterly taken place in many parts of Ireland, for the purpose, as they affect, of proving a direct and unbounded submission to the law; a submission which, practically, is a complete obstruction of the law; and to witness which meetings His Majesty's forces have been brought in strong force, with horse and artillery, to assist in order to contemplate how very peaceably from 15,000 to 100,000 or 200,000 people can congregate in Ireland.

5773. These meetings are meetings on account of the tithe question?—Yes; and as I conceive, anticipate other questions.

5774. If the tithe question is settled, if tithes are extinguished, according to the expression used by the Government, is it not probable that these meetings will be discontinued?—I do not well know the sense in which the word extinguished has been made use of, or is intended to be made use of by the Government or the Parliament; but I am perfectly aware of the sense in which the common people particularly (I mean of Ireland) either will understand it or be taught to understand it; they will at once apply it to the common and ordinary proceeding of extinguishing a candle; and I do not think that the extinction (in that extensive operation of the word) of any vested right will prevent these meetings from again taking place, under a similar influence, and with increased success, to be applied to any other purpose of grievance, either real or affected; amongst which I cannot help including rents and the regulation of private property in all its departments, as is already in some degree the case.

5775. Are there any other enactments you would propose for strengthening the present law, besides those you have already alluded to?—If the law be defective at present (of which I do not presume to be a judge whether it is or no) in respect of combination and conspiracy of whatever kind or character, if such be the case, the law will require to be strengthened and made more efficient, for the purpose of putting down those conspiracies and those confederacies, of whatever nature or character they might be.

5776. Do you think that those confederacies are of such a character as to render it impossible for the magistrates alone, by any power that they possess, to check their progress when they once appear?—It does not appear to me that the magistrates have power to put down the confederacies, which, as they are now daily exhibited in Ireland, seem to me to set at defiance not only the small authority of the magistrates, but the authority of the Government as well, and which appear to me to threaten not only an obstruction to the law as it stands at present, and as it would be, or might be attempted to be, administered by the magistrates and civil authorities of the country, but to offer an obstruction to all law in the country, and perhaps speedily and finally to withdraw all authority from the Crown.

5777. In point of fact, has it not been the practice and custom of the Irish Government to delay giving assistance to magistrates too long, and thus to allow those associations to make great head before any serious effort is attempted to check them?—There is so much historical evidence on record to which the Committee have had already access, or can have further if they please, I should think an opinion as to the merits or demerits of former Governments can be much more justly formed by reference to such authorities than by adopting any such as I, an humble individual, could presume to offer.

5778. You have stated that you would suggest that there should be a law made for the purpose of suppressing all meetings purporting to be for legal purposes, but in your opinion tending to the disturbance of the peace?—I did express that opinion, and now repeat it.

5779. Have you any recollection of the Act called "An Act for suppressing illegal Societies in Ireland," and can you state to the Committee how that Act was found to work?—I cannot state to the Committee how the Act might have been found to work, nor the precise particulars of it; but the combinations I have alluded to are prevailing universally in Ireland, and I suppose the law is not

677. sufficient,

Myles J. O'Reilly,
Esq.
11 July 1832.

sufficient, in its present state, to put them down, or the Government would put it in force, as manifestly they ought to have done.

5780. Are you not aware when that Act was in force it was constantly evaded?—Many very ingenious devices were put in effect to evade the Act called "An Act for the suppression of illegal Associations," and which I know by the name of the Association Act; but that evasion (if it deserve to be called by that name) by which the operation of that Act was rendered wholly nugatory, was that which occurred after a conviction had taken place under the Act, and which perhaps might not be properly called an evasion so much as an escape from the operation of the Act, owing to its termination and non re-enactment.

5781. Are you not aware that for several years while that Act was in force, it was constantly evaded, and that no prosecution was taken under it?—I am not sufficiently well-informed to give an answer that would inculcate so very much the Government as would be the case if I were to answer in the affirmative.

5782. Do you believe that a renewal of that Act, or one similar in its provisions, would meet the exigencies of the present moment, and remove those grievances, as you consider them, that exist in that country?—I am not sufficiently informed upon that Act, nor sufficiently prepared to answer upon it; but I again repeat, that if in the opinion of those who would be well-informed as councillors of the Crown, the Act be not in that form sufficient for the purpose of meeting all those cases of combination and assemblies which now take place in Ireland, in such case it certainly would be defective, and ought to be re-enacted with amendments.

5783. Do you not consider that the renewal of that Act, or one of a similar tendency, would be considered a measure of coercion and oppression?—I have seen the terms coercion and oppression latterly so misapplied, according to my previous apprehension of the meaning of the words, that I dare say, in the estimation of a great many persons it would be considered coercion and oppression; but, according to my humble judgment, I do not think that anything deserves the name of coercion and oppression which would put down that extending mischief which now has rendered the country from which I come, and more particularly the county in which I live, a place not fit to be inhabited by peaceable and quiet people, who there suffer daily and hourly the greatest possible coercion and oppression.

5784. Do you believe that your acceptance of the words "coercion" and "oppression" is the acceptance in which those words are generally taken by the great majority of the people in Ireland?—The question is so very comprehensive it would be very difficult to answer it; and the people in Ireland are latterly taught so many ways of translating the same word, and those translations so different to what common sense would give, or would be found in the ordinary dictionaries of Dr. Johnson and others who have put meanings to words, and registered what they were, it is impossible to answer it.

5785. Do you believe that a people who, like the Irish, have been for many centuries oppressed, are likely to be brought back to a sense of their duty by fresh penal enactments?—The question is quite in unison with a great deal of the reasoning I see made use of at the present day, and implies a contradiction in terms. That coercion and conciliation should mean the same thing, is not likely to enter into the contemplation of any person, nor does it into mine, nor, I dare say, into yours; but the people in Ireland, as far as I am acquainted with them, required much less of coercion when they had been taught much less of conciliation; and I am sorry to say I think that the peasantry and common people in Ireland are very liable to be misled by persons who do not intend that they should understand either the word conciliation or coercion in their obvious and natural sense.

5786. Are we then to understand that it would be one of your recommendations to the Committee that a law similar in its effect to that Act for the suppression of illegal societies should be re-enacted?—Whatever laws would be necessary to make the Government of Ireland (I use the phrase Government in the abstract sense, to signify the executive authority) powerful enough to maintain the King's authority and the perfect execution of the laws, to maintain the security of the lives of all individuals of all descriptions, and of every property of every kind in the country, should be immediately enacted; supposing, as I am compelled to do, the fact to be that the present laws are not sufficient to afford to the Government with facility those powers which, according to my idea, every government ought to have, and more particularly the Government acting in that country.

5787. What

Myler J. O'Reilly,
Esq.
11 July 1832.

5787. What do you suppose to be Dr. Johnson's definition of the word extinction of tithe?—The association of those two words was not so contemplated in the Doctor's time; but in order to illustrate the meaning of that, as it would be interpreted by the people, and as they have been taught to interpret it, I would say, the putting out, in the same manner as you put out a candle.

5788. Is that the right understanding of the word?—The Committee ought to be better judges than myself, but I believe it is.

5789. Are not you aware that that word was used by His Majesty's Ministers, and used in a Report and Resolutions made to the House of Commons, as applied to tithes; and if the people of Ireland understand the word in its true definition and the true meaning, they have understood it rightly, and it was the Government who made use of a wrong and delusive expression?—I am sure the Government did not intend to make use of a wrong or delusive expression, but the instant I read that word I thought it was a very injudicious expression, and that they could not have made use of it prudently and wisely, contemplating, as I am sure they must at all times have contemplated, the preservation of vested rights, as well those of the church as of the lay improver; which rights, and the properties derivable thereunder, stand upon the very same foundation, as it appears to my humble judgment, with that of real property, which lay tithes are equally the subject of settlement.

5790. Do you believe that the people of Ireland interpreted that word in its true meaning?—I believe they were taught to interpret it into every meaning but that which could be the proper meaning, consistent with the preservation of any rights whatsoever derivable under the name or title of tithe.

5791. You stated that the true meaning of the word "extinction" was putting out or doing away with, and that the people of Ireland had taken it in its true meaning as applied to tithes; can you find fault with that?—I have already expressed what, except perhaps at the instance of the Committee I should not have done, my opinion of the imprudence of having adopted such a word in the Parliamentary Report.

5792. Do you include magistrates in the word "Government," when you said it was necessary they should have further powers?—I used the word "Government" abstractedly, to express the executive authority under which the power of the laws ought to be vindicated, and the King's prerogative and authority to be maintained; but I consider magistrates, in the common and individual application of that word, as the smallest officers of the Crown, and as very humble instruments in the hands of the executive authority, with which it is their duty merely to co-operate.

5793. What do you understand by the word "conciliation"?—The word has changed its application frequently in Ireland within a very short space of time: not long ago it meant Catholic emancipation, it has since been represented to mean extinction of tithe, and it has also been oftentimes applied to the subject of the restoration of a local Parliament; presently it may be said to mean the repeal of the Act of Settlement.

5794. Upon your meaning of the word "conciliation," from your knowledge of the magistrates of Queen's County, have you known of any instances of any endeavours on their part to conciliate the feelings and respect of the people?—If by the "respect of the people" is intended the wishes and objects of those extremely troublesome and mischievous persons who have rendered themselves the agitators of that county, and if by "conciliation" is meant an association with those persons, to be directed by their opinions, or to coincide in the violent measures which they perpetually recommend, in that sense I would say that the magistrates have never acted in a conciliatory way; if, on the other hand, conciliation is supposed to be a kind and good-natured attention to the common people, to their real wants and rational wishes, I am not aware that the magistrates of the Queen's County have been at all defective in conciliation; but on the contrary, I am quite persuaded they have conducted themselves always by the people in an exemplary manner, as magistrates and gentlemen.

5795. You are aware for many years efforts were made by the Catholics of Ireland to obtain emancipation; that many meetings were held in the Queen's County for that purpose, and that both the Members of the county invariably advocated that measure; are you aware of any instance in which the magistrates or gentry of that county came forward and endeavoured to conciliate the feelings of the great majority of the population, by assisting them in obtaining their just and legitimate

Alfred J. O'Reilly,
Esq.

11 July 1834.

legitimate rights?—I am not aware in what instances magistrates may or may not, as individuals, have attended any meetings for that purpose.

5796. Do you believe that they ever did?—I do not know that they ever did, as magistrates; I was never applied to to attend myself.

5797. Are you not quite sure they did not?—I really do not know; I am by no means sure, as I was not myself in the country at that time when such meetings were taking place.

5798. From your intercourse with the magistrates and gentry of the Queen's County, are you not aware that the great majority of them were opposed to the civil rights of the Roman-catholics?—I can by no means answer that question with any certainty, nor do I know the sentiments of the majority or minority of the magistrates upon that subject; I believe several are much disappointed in the apparent results of that measure.

5799. Are you aware that many of the magistrates of the Queen's County were members of Brunswick clubs?—I am not aware of it; if the fact be so, their names are upon the lists of those clubs.

5800. Is not the support that the gentry gave to the Members of the county, and to one of them particularly, during so many years, as an advocate of the Catholic question, something indicating a favourable opinion or a liberal opinion upon the question of emancipation?—I believe that those Members were supported by the gentry of the county, and I therefore do presume that may be held to be a proof that they were not unfavourable to the measure.

5801. There was no public meeting in the county against emancipation, at which the magistrates took a part?—I never took a part in any such meeting, nor do I know that such ever took place.

5802. The Brunswick club that did exist was a club confined to one part of the county?—I really do not know that any Brunswick club existed in the county, but it may have been so.

5803. In point of fact, till within a recent period, the question of emancipation did not produce scarcely any division in the county amongst the gentry, or much contention?—I have scarcely ever heard it alluded to, and certainly not as a point of difference of political opinion productive of any division whatever between the gentry of the county.

5804. What was the state of the Queen's County, according to your last accounts?—There had been a decrease of absolute outrage, and there has been no recent assassination that I have heard of, but the minds of the people are in a considerable state of excitement and even of exasperation; the executions have produced an effect, as I have heard, for the present, quite contrary to what might be reasonably expected; the people have even, by the influence of some sinister reasoning which it is impossible to calculate upon, drawn motives of increased excitement and displeasure from the fact of the Government having humanely extended the mitigation of punishment to three persons who were capitally convicted of an offence which rather partook of the character of ordinary offences that prevail in other less disturbed times: they were three very young persons, who had entered the house of two poor women, and had committed a robbery of what matters they found there, the whole of which was not worth more than a very few shillings, and one of the three had committed a rape, and another had attempted it. Those three capital punishments were commuted for transportation by the humanity of Government; but even that, which no doubt on the part of the Government was intended to produce a very different effect on the minds of the people, and to impress them with an idea that the Government were disposed to abstain from severity in any cases where there was a reasonable excuse, (and in this case there was an excuse, as the three culprits were very young, extremely penitent, fully confessed their guilt, and submitted to their sentence); the people, however, have been taught, I know not by what sinister principle, to draw additional excitement and displeasure from that humanity. This reply has reference merely to the question put to me as to the present state of the county; it has no reference to the commission itself.

5805. Is the robbing of arms and serving notices, and other acts that marked the late state of the disturbance, altogether ceased?—Certainly not altogether, for the local newspaper of the 7th of this month gives an account of several offences, but not of a capital character.

5806. Have there been many arms given up?—I heard that some forty stand or upwards of arms, wholly useless and good for nothing, were given up to the priest

priest of the parish in the colliery district, in which Nash, the convict, who has since been executed, lived; this surrender was made previous to his execution, and, I believe, in the vain expectation it would have an influence upon the Government to commute the capital sentence which had been passed upon him for deliberately and wantonly stabbing a man through the body.

5807. You are aware that three persons were left for execution at the special commission, and have been since executed?—There were six left for execution, and three have been executed.

5808. Have you any doubt of the guilt of any one of the parties?—I was present at the trial of John Delany; I never heard a case more satisfactorily proved in a court, and if I had been upon the jury I certainly should have found him guilty: his identity was proved by four witnesses, and the contradictions that arose upon the alibi were so marked and so palpable that they tended in the highest degree to corroborate the direct evidence. I have since heard there is an opinion prevailing amongst the country people that he was not the person who shot John Bayly.

5809. Is that your own opinion?—I have no evidence on which to form an opinion whether he might have been the man who fired at John Bayly, or the other man who also entered the field and fired at the son of John Bayly, except that I have been told by a person that the man who did fire at John Bayly himself told a third person that he and not John Delany had done so.

5810. Was the doubt of the man's guilt sufficiently strong on your mind to induce you to take any steps for the remission of his punishment?—I took no steps for the remission of his punishment, nor offered the least suggestion either way; but thought it my duty, as I should in any other case, in point of humanity, to make known the existence of such a doubt, however ill-founded I might consider that doubt to be, and I accordingly did so.

5811. Did you make any affidavit on the subject?—None.

5812. Did you procure any affidavit on the subject?—I procured none; but I took the statement of the person in the form of an affidavit before I transmitted it elsewhere.

5813. You conceived that there were sufficient grounds stated to you of the innocence of that person to induce you to administer the affidavit?—I did not think it probable that the representation was made to me for the purposes of positive deception; and under those circumstances I transmitted the affidavit of the above extraordinary fact, if fact it be, and left others to judge of it.

5814. Are you aware at what period the witnesses on the trial saw the prisoner, previous to seeing him in the dock?—I cannot exactly here state it, but it has been published amongst the proceedings, which proceedings I have at large.

5815. Did the witnesses see the prisoner in the goal?—I cannot precisely speak from memory at what time they saw him; but I have since read the whole of the trial as fully and completely reported; and if I were now again upon the jury, the evidence was so very distinct and so perfectly satisfactory, and apparently so free from all manner of doubt, that under that evidence I should be compelled, without hesitation, to convict the prisoner.

5816. The evidence might be perfect as to the facts that occurred, but the question as to the identity of the persons by whom the crime was committed would very much depend upon the knowledge the witnesses had of the person of the criminal; is not that the case?—Certainly; but the identity was proved by four witnesses, and under different circumstances, in terms as distinct as it is possible to conceive.

5817. What opportunity had the witnesses of refreshing their recollection of the identity of the prisoner, previous to their seeing that individual in the dock?—I cannot exactly, at this moment, say what opportunities, but I believe such as were conclusively and entirely satisfactory to the two Judges who presided, and to the jury who convicted, and that jury was one composed of extremely intelligent persons, who would have been fit to have acted as jurors in any case whatsoever affecting the life of any commoner in the realm.

5818. We will suppose a case occurring of which the jury or the Judge could not be cognizant; for example, the witnesses might be placed in a room, and the prisoner might be placed in a yard without any other prisoner with him, and the witnesses might hear that the person in the yard was the person who had committed a particular crime; do you conceive that that would be a proper mode of allowing witnesses to see a prisoner?—That presupposed case did not at all occur

Myles J. O'Reilly,
Esq.

11 July 1832.

at the commission. The manner in which that prisoner had been exposed, and in which the other prisoners upon other occasions convicted had been exposed to the view of the witnesses, was not singly but amongst several other prisoners; it was very minutely inquired into in the cross-examination of the crown witnesses; and the result of that inquiry was so satisfactory to the bench, that the Judge in giving his charge, as well as my memory serves me, did not make any observation upon that part of the case, as inferring an improper exposure to identification, which I am sure he would have done had he entertained himself any doubt that it was properly and fairly done.

5819. Is it the general practice of the crown solicitor and the magistrates to examine witnesses in criminal cases previously to their being brought upon the table?—I cannot answer what may be the practice; I never heard that it was so. I have been a magistrate for a great number of years, and I never was called upon to assist in any such examination, and I never heard that such an examination usually took place.

5820. You do not know whether it is usual to examine witnesses for a criminal prosecution previous to the trial, or not?—I do not know; but it appears to be very necessary.

5821. In reference to a question that has been asked you touching the conduct of the magistrates towards the people, the Committee wish to know from you what was the state of your county previous to the late conspiracy, or the events connected with the late conspiracy?—I knew the county for a great number of years, and have been almost constantly resident in it; and if I were to select a part of either England or Ireland that I should have considered perfectly tranquil and comfortable to live in, with the best temper among the people and the most cordial and amiable disposition on their part towards their neighbours and their betters, I should say that the Queen's County had for a series of years been that place; and I am quite aware that the Chairman of the Committee himself is of the same opinion. I can recollect a time when habitual meetings used to take place at races once a year, held during four successive days, exactly at the gate of my own demesne, at the Great Heath, where immense assemblages of the common people used to come in good-humoured curiosity to enjoy, with their families and friends, the sport of the races; and at that time the whole civil authority of that neighbourhood was confined to two rather decrepid than active constables, and myself as magistrate. I was then able by a mere suggestion to accomplish any point or purpose that was conducive to the preservation of the peace. I never knew the peace to be broken upon those occasions, except in one instance, more in consequence of what is called an old grudge. A man lost his life, not there, but on his way home, and at a distance from the course, in consequence of being struck with a loaded whip.

5822. Up to about what time did that happy state of your county continue, generally?—I was but partially in the country for some years previous to 1829, I can speak, therefore, with less certainty as to the precise period at which the change might have commenced; but from the commencement of the year 1829 I have been uninterruptedly resident with my family in the county, and can speak with perfect accuracy as to the progressive, and latterly most rapid, increase of crime and derangement of society.

5823. Did that important change take place from any oppression or misery endured by the people?—Certainly not attributable to any increase of misery, and I have never considered the people in the Queen's County to have been oppressed.

5824. Did you consider their situation wretched in respect to the ordinary comforts of the peasantry?—Very far the contrary; they are in a much more comfortable state than the peasantry in Ireland generally are, and they are a very decent and industrious peasantry in their natural state.

5825. Have they been led by any influence or representations to form an unfavourable opinion, with respect to the magistrates and the gentry of the county, of late?—Great pains have been taken by a certain class of persons in the county to misrepresent the magistrates and the gentlemen of the county to the people, and names and epithets quite unsuitable and utterly undeserved on the part of those gentry have been constantly and publicly applied to them, in such a way as to detract as far as it was possible to do from the confidence of the people in, and their respect towards, the magistrates and gentry of the county.

5826. By

5826. By what general description of persons have those proceedings taken place?—By that class of persons who have adopted for themselves, and therefore towards whom it is quite fit to apply the name of public agitators, and self-constituted friends of the people.

5827. Have pains been taken by any class of persons having influence over the people, to counteract this or any other false or mischievous impression sought to be made upon their minds?—So far as the conduct of the magistrates and gentlemen could go in their own individual capacities, to counteract charges so unfounded and so false, they did so; but I am not aware that there was any other influence exercised to place the magistrates in the estimation of the people in the position in which they have, I think, at all times equally deserved to stand.

5828. Did not the Roman-catholic clergy take pains to set this matter right with their people?—I never heard of their having done so; they may have done so without my knowledge, and I hope it may have been so.

5829. What was the impression prevalent among the people of the country as to the disposition of the Government on the subject of the resistance to tithes, and the agitation used for the purpose of putting down tithes?—There was much pains taken, at the period of the last election, by the agitators alluded to, to persuade the people that the magistrates were directly opposed to the Government, and that the Government were particularly hostile to the magistrates; active exertions have since been persevered in to increase and perpetuate that feeling in the minds of the peasantry, and I have no doubt that the people have been misled to the extent of labouring under the delusion that even the Government themselves were favourable to an agitation that, I am since convinced, they never contemplated to promote or encourage, and which appears to me to cut at the foundation of all government and all authority.

5830. Do you think, if very decided measures were taken to convey to the people the determination of Government to resist those combinations, that they would have been effective in checking them?—I am quite persuaded that it would have had a very powerful effect to check, if not wholly to suppress them; and I form that opinion the more readily, because I consider the number of persons who are actively and busily engaged, under the denomination of agitators, in promoting hostility to the Government and to the laws, is but small in point of number, far from respectable or influential in relation to property or character, and whose influence over the people can only be employed and can only exist while they are permitted to mislead those people, and to confederate their numerical force against the Government and the laws.

5831. Have any facts come to your knowledge of any privity or concurrence in these measures on the part of any of the Roman-catholic clergy in that county?—The Roman-catholic clergy in that county consist of persons some of whom have attended, as I understood, meetings for agitating purposes, and there are others who, I believe and am quite persuaded, do not take part in such meetings.

5832. Do you know of any instance, or have you any satisfactory evidence of any instance, of any of them having been consulted, or any intercourse had with them upon the subject of any of those agitations, or any matters connected with them?—I am so little personally acquainted with what the secret details of the agitation system may be, as adopted by the persons who principally take the lead in that department, that I really cannot say distinctly what answer I could give to that question.

5833. Have you ever seen the oath taken by those persons who have entered into that conspiracy?—The Whitefoot oath was repeated on the table at the Lent assizes; and I have since procured, through the governor of the county gaol, an original copy, which corresponds, as my memory serves me, with what appeared in the evidence of the witness, and which I believe to be the oath that is now in force amongst those people.

5834. Have you a copy of that oath?—Yes, I have.

[*The Witness delivered in the following Paper:*]

“ Oath of a Whitefoot.

“ 1st. I solemnly swear to be loyal and true to this New Ribbon Act.

“ 2d. I swear, I will to the best of my power, Cut Down Kings, Queens and Princes, Duks, Earls, Lords, and all such with Land Jobin and herriery.

677. x x “ 3d. I swear

Myler J. O'Reilly,
Esq.

11 July 1832.

" 3d. I swear that I will never Pity the moans or groans of the Dying, from the Cradell to the Crutch, and that I will wade Knee Deep in Orange Blood.

" 4th. I swear I am to Bear My right arm to be Cut of and throw over the left shoulder and nailed to the triplets Door of Armagh before I will way lay or betray or go in to any Court to Prosecute a Brother, known him to be such.

" 5th. I swear I will go 10 miles on foot and 15 Miles on horse Back in five minutes warning.

" 6th. I swear I will give Money to Purchase and repair fire arms ammunition and the Like, and every other weapon that may Be wanting.

" 7th. I swear I never will tell the man's name nor the man's name that stood By making me a Ribbonman or whitefoot to any one under the Canopy of heaven, not even to Priest, Bishop, or any in the Church.

" 8th. I swear I will not stand to bear hell or confusion Drunk to a whitefoot or Ribbonman without resisting the same or quitting the Company.

" 9th. I swear I never will Keep a robber's company Nor harbour him, except for fire Arms.

" 10th. I swear I will not make foul freedom with a Brother's wife or Sister Known them to be as Such.

" 11th. I swear I will not Keep the second Coat or the Second Shilling and a Brother to Be in want of relief, Known him to be as Such.

" 12th. I swear will not Be present at the Making of a ribbonman or White foot without Proper orders from our Captain.

" In pursuance of this spiritual Obligation So Healp mee God."

This is a rough copy of a Whitefoot's oath, as it is practised at present in the Queen's County, and all over Ireland.

5835. Imputations have been cast upon the magistrates of the county generally, either for want of activity, or in fact a combination on their part against the Government; is there any foundation whatsoever for that charge?—I am satisfied that there is not a shadow, or the smallest excuse even for an imputation of either kind; the activity of the magistrates has, to my knowledge, been always commensurate with their powers and opportunity to do any service towards preserving the peace of the county; and with respect to a combination on the part of the magistrates against the Government, no such combination ever, either partially or generally, existed in that, or I believe in any other county, and I am sure there is not in the Queen's County one single magistrate who could be prevailed upon by any circumstances whatsoever to become a conspirator or a combinator against any Government whatsoever, using the word Government in the abstract sense, as expressing the executive authority by which the laws are to be maintained; and I am quite persuaded that the magistrates were, and are, as well disposed to do their duty by the present Government as any Government that ever previously existed within my knowledge; and I would even go further, that I believe they were more anxious than ever they before had been to do their duty in whatever way might be calculated to restore the county to a wholesome state of tranquillity, and to prevent that increase of crime which has rendered it unfit and unsafe for habitation by themselves or any other peaceable people whomsoever.

5836. Have you ever known or heard of any favouritism shown by the magistrates in the granting of licences?—I have never known an instance of it in my life.

5837. Do you believe any such has existed?—I cannot think it at all probable, for I do assure myself, if upon the bench at any time a single magistrate could be found anxious to favour a particular individual contrary to what was right and just, that his brother magistrate or others with him would utterly protest against it; and I have never known an instance in which the slightest imputation of that kind had any foundation.

5838. Have you ever known, or do you believe there has been any want of exertion on the part of the magistrates to ascertain the character of those to whom they grant licences?—On the contrary, they are extremely jealous, and anxious to inquire very minutely the character of those to whom they grant licences, and they invariably require for that purpose a distinct recommendation on the part of the magistrate living nearest to the proposed place of licence, and they constantly investigate

investigate for that purpose also recommendations from other gentleman, who might be able to give them good information, and frequently from the priest of the parish or the parish minister, or both: I have seen a dozen recommendations sometimes produced by a candidate for licence, and for a considerable time past the most influential recommendations have been disregarded, as to creating any new public-houses.

5839. Have you any reason to know or to suspect that any encouragement whatever has been given to the factions that would disturb the peace of the county, by the magistrates or gentry, or persons of the better order?—That is a proposition still more monstrous and incredible than some of the previous questions would imply. Certainly not.

5840. If a statement to that effect were made, would it have any foundation whatever in truth or in fact?—If such statement were made by a person ignorant of the county, it would be a simple but very perfect falsehood; if it were made by any person acquainted with the county, it must be a most malicious one, and made contrary to all fact and probability.

5841. What has been the general conduct and character of the police acting in your county?—It is scarcely credible that a body of men should be able, under circumstances of such extraordinary difficulty as they are frequently placed in, to conduct themselves so remarkably well: I believe they are the most sober and best-regulated set of men, of the same number, in His Majesty's service, either civil or military. I have never met, in the whole course of my movements about the country, and they are very constant and frequent, a single drunken policeman, and I have had, in the whole course of my magisterial acts, an opportunity of only assisting, as my memory best serves me, in three instances of fine or punishment upon individuals of that class; those were for comparatively very trivial indiscretions, and the punishment was (by way of precedent and example) most severe, and by no means commensurate with the apparent degree of offence: a man was, on the complaint of Mr. Wray, our sub-inspector of police, fined by the magistrates, of whom I was one, in a considerable pecuniary penalty, for having only gone into a public-house whilst he was on duty on a wet and cold day, and delayed whilst he took a glass of whiskey. In other respects the officers of the police are extremely zealous and anxious to do their duty; some of them are persons extraordinarily well qualified for their office, and they are all anxious to do their duty in the most becoming and correct manner. The police in my neighbourhood are under the general inspection of Mr. Wray, a gentleman who is indefatigable in the fulfilment of his duty, and in his attention to the duties of all those that are under him: between him and the magistrates the most cordial co-operation has always subsisted, and they are very glad to find him now one of their own body.

5842. As you have mentioned Mr. Wray, I beg to ask a question, which I think it is but justice to him to put to you; do you think, if that gentleman was apprised of a fair and proper objection to a public-house, that he was applied to with a view to influence the magistrates to withdraw a licence, that he would refuse to do his duty upon that or any similar occasion?—I am persuaded that he would not in any instance decline to do any duty that came properly within his province, and that is a duty I know he would be at all times very anxious to fulfil, for he is very adverse to the number of public-houses that already do exist, and has brought before the magistrates, of whom I have often been one, many cases of illicit sale and otherwise, by which we have punished the individuals, and in some instances removed the licence.

5843. Do you conceive that the disturbances in the Queen's County are connected with organization or system?—There is no doubt whatever that a very extensive, and I would almost say a perfect conspiracy and organization for illegal purposes has been established throughout the county and elsewhere; that the Ribbon business is extremely extensive in itself, and there appears to be, independent of that, a very perfect and much more extensive combination and organization to resist the payment of tithes.

5844. Then this partakes of the nature of that system which has gone by the name of Ribbonism in other parts of Ireland?—The organization in the Queen's County of what may be called by the general name of Ribbonism, commenced by a party under the name of Whitefoot, and a sort of counter organization (if it may be called by the name of counter organization, when it manifestly partook of the same nature, so far as it was for purposes of mischief and outrage) took place

Myles J. O'Reilly,
Esq.

11 July 1832.

under the name of Blackfeet; but latterly it was suggested, I believe, to the two parties to shake hands and become friends, and no longer to hold any contest with each other.

5845. And since that you had the two parties united in a common body against the law?—How far the separate name of Whitefeet and Blackfeet may partially still exist I am not precisely able to say, but what was called in my neighbourhood a general reconciliation and shaking hands of the two parties took place, in consequence of some remonstrance to that effect made, as I understand, by the Catholic clergy in that neighbourhood.

5846. Do those parties continue now to be the principal disturbers of the public peace?—All the outrages in the county that have been committed, or that are committing in it, are performed by those persons under the general denomination of Whitefeet; the parties being, as I conceive, altogether identified at present.

5847. You attended the trials had under the late commission, or some of them?—I sat upon the grand jury during the whole of the time, and was for a great portion of it in the grand-jury box, attending to those trials.

5848. Had you any opportunity of observing the conduct of the crown counsel with respect to setting aside jurors?—I believe the Crown set aside very few jurors, scarcely any that I heard of.

5849. Is there any foundation in truth for this statement, that the counsel for the Crown in almost every instance set aside almost every Catholic juror as he came to the box?—I cannot conceive that such a statement can be founded, for I saw several of the jury sworn in, and it did not appear to me that there was any such proceeding, and it could not have occurred without my observing it, if present.

5850. Did you observe Mr. Wray standing by the counsel for the Crown and the crown solicitor, and suggesting the setting aside of each Catholic as he came to the box?—I saw Mr. Wray in conference in the court with the crown solicitor, at the Lent assizes, but not at the commission, and I believe then suggesting to the crown solicitor objections to persons as jurors, of which Mr. Wray, from his local knowledge, must have been a much more competent judge than the crown solicitor could by possibility be, and which suggestions I am well persuaded were given for no other purpose whatsoever than that of promoting the common ends of justice. Mr. Wray was not at that period a magistrate, and I know the court considered him as merely fulfilling his duty.

5851. Do you know the feelings of the magistrates upon the subject of taking out their commissions, in reference to the question of fees?—Perfectly.

5852. Was their conduct at all influenced by the consideration of the politics of the Lord Chancellor upon that occasion?—I am satisfied not in the slightest degree: if I thought that the particular individual politics of any Lord Chancellor were to have an influence of that nature on the magistrates of Queen's County, I for one would not hold the commission in such company. I am quite persuaded there was not a single individual magistrate influenced, either in accepting or in declining that commission, by any political feeling whatsoever. I believe the best proof is to be found in their having, at the same time that they respectfully represented to the Government that they did not consider the fees which were demanded to be reasonable or proper, assured the Government that they were equally determined to fulfil all their duties as magistrates under whatever circumstances; and there is not, I am persuaded, a single one to whom the pecuniary consideration, or any other consideration connected with the commission, but that of maintaining the good order of the county and fulfilling their duties, could have any the least influence whatsoever.

5853. Do any of the respectable class of farmers take part in this system of agitation?—The persons I should understand as coming under the denomination of respectable farmers comprise a very numerous body in the county; for I consider every man may be called a respectable farmer, and I should be disposed to respect him as such, who held a moderate extent of ground, and paid his rent; fulfilled his other local duties correctly, and maintained rather the peace of the country than the contrary; in this comprehensive sense of the words "the class of respectable farmers," vast numbers are to be found who have either taken no part in the agitations that have been going forward, or have perhaps taken but a partial or even an unwilling part, by being scarcely at liberty to withhold their presence on such occasions.

5854. Would it be a true representation of the state of the country to state that all the more respectable farmers and shopkeepers in general are agitators?—Very few

few of the respectable farmers or shopkeepers are agitators; for I consider that that particular epithet is a special designation of a few individuals, some of whom are respectable farmers, who were pleased to merit and adopt it for themselves.

5855. How many are there that are professed and acknowledged agitators, who set themselves forward as voluntary agitators?—The ostensible agitators who, in the Queen's County, harangue the public in the form of spouting gentlemen, are very few indeed, not above, perhaps, eight or ten.

5856. Are they men of property or consideration in the county?—I do not know any one of those professed agitators who is a person of consideration, or possessing much, if any, real estate in land; they are generally middlemen, holding leases under other proprietors; and some of them, who would be most eloquent, are persons that I am not aware possess any property whatever, and rich only in unbounded effrontery.

Myler J. O'Reilly,
Esq.

23 July 1894.

Jouis, 12^e die Juli 1892.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Myles John O'Reilly, Esq., called in: and further Examined.

5857. WHAT do you conceive to have been the consequences of the commission of the Roman-catholic claims on the lower orders of society?—It does not appear to me that the lower orders of society, at any time, were deeply interested in that question, and the general effects of it have certainly not been such as those who wished well to the country and to the measure would have expected from it; perhaps I could not in any so brief form refer to what they have been than by repeating what fell from the Honourable Baron Smith lately, in addressing the grand jury of the county of Kildare. He said, "We hailed the Relief Bill as a restoration of tranquillity, harmony and concord, 'the halm of hurt minds,' that was to set everything at rest; but scarcely had it passed when factious dissension reared its flag again, and religious animosity seemed to be rather exasperated than appeased; and scarcely had a Protestant legislature restored their Catholic fellow-countrymen to the enjoyment of the rights, privileges and honours commensurate with our own, when we find our Protestant Church Establishment demanded of its rights, and very many of our clergy reduced to a state of actual want."

Myler J. O'Reilly,
Esq.

12 July 1957.

5858. Do the opinions expressed in the quotation you have made coincide with your own upon the subject?—The quotation rather expresses facts than gives an opinion.

5859. Are those facts in accordance with the results of your own observation?—Having so recently come from a county that has been in the utmost state of disorder and disorganization, I cannot perceive that all the beneficial effects have been produced by the concession, which I should have been most anxious and very happy to have found would have followed from it.

5860. Do you conceive that the lower classes in society comprehended, in their notion of emancipation, those objects which they are at present striving to attain?—I believe they thought, in an undefined and indistinct way, that Catholic emancipation meant some extraordinary benefit and advantage to others as well as to those who principally complained of the disabilities which previously had existed, and which disabilities had scarcely any influence or effect whatsoever upon the state and condition of the lower class of people in the country.

3861. Do you think that the lower classes, in your part of the country, comprehended, in their notion of emancipation, the subversion of the Church Establishment?—I do not think they did by any means do so; for I look upon it that the whole question of tithes, and the general attack upon the Church Establishment, are of more recent growth, in their present state and form particularly, than the concession of Catholic emancipation.

5862. From what you have observed of the conduct and sentiments of the lower classes, is it your opinion that they were disappointed in the result of emancipation,

Wiles J. O'Reilly,
Esq.
14 July 1831.

emancipation, or otherwise?—I believe they very speedily perceived that Catholic emancipation did not mean any distinct advantage to themselves, and they were taught since to direct their attention to what have been designated grievances of a wholly different character.

5863. But it is your opinion that they did include in the notion of emancipation some distinct good, applying or coming home to their own circumstances in society?—Some good, undefined and indistinct, but in which they would have personally participated, or thought they should.

5864. And that that expected good has not been realized by them?—They may have expected, and they have been since taught to expect such good as they never had previously contemplated; I do not know precisely what good they expected to arise to themselves from Catholic emancipation.

5865. But they did expect some undefined good and advantage that would apply directly to their own circumstances in society?—I should think it highly probable that they did.

5866. And you think it highly probable they have been disappointed in their expectations?—I am quite sure it has done them no service.

5867. Do they appear to be sensible of it?—They are a very shrewd people, and I do not know that they can consider it any great advantage that certain offices and the representative character have been opened to a few individuals of that persuasion.

5868. It was stated by a previous witness that a general disappointment, as it regarded the result of emancipation, had led the peasantry to take the matter into their own hands, and that the result of this determination was the purpose of becoming their own legislators and the redressers of their own grievances?—There are a great many things called by the name of grievances that we have never known as such until very recently; I think that the real grievances of the people were infinitely greater at a former period than they have been recently, and particularly subsequent to Catholic emancipation.

5869. Will you state in what particulars?—I think that rents were considerably higher formerly than they have latterly been.

5870. Do you mean during the continuance of the war or previously?—I mean even subsequent to the war; I think rents are lower now than I have ever known them, since I directed my mind to the subject, in that country.

5871. Low comparatively speaking, or as it regards the real value of the property?—Not only comparatively speaking, but somewhat also in relation to the means whereby rent is produced.

5872. What other particulars would you instance as making a difference between the present condition of the peasantry and their former condition?—Up to the time at which the peasantry were taught to consider tithe as an intolerable grievance, it had been long previously a much more serious grievance than it has latterly been, and the operation of the Tithe Composition Act from the period that it became in some degree general, had produced the greatest possible advantages to the common people, and they were extremely satisfied with and grateful for it; it is only recently that the tithe composition has been included in the number of those grievances which the people have been latterly taught and trained to endeavour to remedy by their own force and power; I could instance the particular parish, or rather the union of parishes, in which I myself reside, as illustrating this principle.

5873. Will you give the Committee the particulars of that considered as an illustration of your principle?—The tithe composition having taken place in several other parishes, the people of the parish in which my mansion is situated became extremely anxious to have it adopted in that parish; they had for two or three years made efforts on their own behalf to try to accomplish the adoption of the tithe composition. I was not myself much in the country, I was principally absent from it and abroad during part of that time, but in the year 1830 several of my neighbours, decent and respectable farmers, but not persons holding very large portions of land, applied to me personally to try to get over some technical difficulties that stood in their way, and which they had found to operate as obstructions to the adoption of the composition, and those difficulties were principally arising from the undefined boundaries of the two parishes which from ancient times formed the union, and under the terms of the Act a difficulty arose in adopting the composition with respect to either or both those parishes, arising from the boundaries having been so long undefined that it would be difficult to make an

apportionment

apportionment according to the terms of the Act. Those parishioners had gone previously to the expense of sending a deputation of their own to examine, at their own expense, the Down survey, in the Tower of the Castle, at Dublin, with a view to obviate, if possible, those difficulties; but not having succeeded, they besought me to try to promote the composition; and although I should myself be to the extent of several pounds per annum a sufferer by the adoption of the composition, I thought it was my duty towards those neighbours who had appealed to me, to use the most strenuous exertion to have it adopted, and I accordingly took a good deal of pains to discover how the technical difficulties might be got over, I took care that the notices for the special vestries should be most carefully and regularly posted, and all the preliminaries gone through. My co-parishioners were very grateful for the active part I took, and they were quite delighted at the prospect of the adoption of the composition, when very suddenly, to my very great surprise, a considerable change in their anxiety on that subject took place. It was about the month of August 1830, in a manner distinctly proving, in my apprehension, the operation of some authority and direction extraneous to the parish, and distinct from the wishes of the people, as they had previously expressed them to me. The reluctance to adopt the composition manifested itself universally, I believe, in the other parish of the union, and I understand that it had more particularly arisen in consequence of some observations that had been made at the chapel of Rahaaniskin, situated within one of those parishes, but not that in which I resided, and in other places as I have heard; and when on the vestry day I attended at both the vestries, one held in the parish church of Dysart, for the parish of the union to which I did not belong, and in the proceedings of which vestry I therefore took no distinct part, it was there decided by the parish that they would not at all contemplate the adoption of the composition. I then attended on the same day, in the other parish in which I myself resided, the special vestry which was there held; it was attended by several of my own neighbours, the small farmers of the parish; it is a very small parish, and I am the principal land-occupier in the parish myself; about 12 of the farmers attended there, and they were unanimous in placing on the record of the vestry book an expression of their regret that the composition had met with an obstruction which they very much lamented, and hoped might be at some future time removed.

5874. Did the change of opinion upon the subject include the Protestant parishioners?—I believe and am persuaded it was confined to the Roman-catholic parishioners alone; but there are not many Protestants in the parish.

5875. And it is your opinion that that was a change produced external to the parties themselves?—I have already said I believed so, and I am quite persuaded of it, for it was too sudden to have arisen in the parish so generally without my having previously heard of it.

5876. Had any meetings upon the subject taken place immediately?—None except the one that I heard of, and that was at the chapel I have mentioned, and where I have reason to believe the people were recommended not to adopt the composition, as it might put upon themselves the responsibility of a compact, and that they might reasonably expect within two or three years time would be done away with altogether; what I have described was the first demonstration I ever heard of, and was quite unexpected by me, in opposition to the composition for it.

5877. From what you have observed of the lower orders, is it your opinion that their first impulse is to act with reference to their own interests?—That is naturally the first impulse of every person.

5878. Is it not frequently the case, that that disposition is interfered with by those who have other objects in view and other interests to serve?—I think that lately, since agitation became so prevalent, the people have been taught to direct their attention to matters not so immediately connected with their own distinct interests, and frequently in a manner injurious to themselves.

5879. Then the people, in taking this course, have been acting under advice tendered to them by persons whose objects and intentions are different from their own?—They have received a vast deal of bad advice from persons whose conduct in other particulars by no means evinces an anxiety for the real well-being of the peasantry, and whose acts, in many cases, have gone diametrically opposite to those interests which they hypocritically pretend to promote.

5880. Is it your opinion that the people generally, in acting under the advice tendered to them, are acting in accordance with their own interests?—I think, by no means in accordance with their own interests, but very frequently quite the

Myles J. O'Reilly,
Esq.

18 July 1832.

reverse; they have been taught to assume a position with respect to their natural guardians and protectors, with respect to the magistrates, the gentry, their landlords, and all those who take a real interest in their welfare, quite different from that which it would be their interest to take, and which I really do think, had they been left to themselves, they never would have contemplated.

5881. From what you have stated, it would appear that a very unnatural separation has taken place between the people and their natural protectors and benefactors, in consequence of the influence under which they have acted?—Certainly; I know no other reason than that of a baneful and destructive influence.

5882. So that the causes of the present disturbance are traceable, not to the natural disposition of the people, but to that direct and improper interference with the people on the part of persons calling themselves agitators?—There can be no more satisfactory proof of it than that I can recollect the county, and that not long since, to have been such as I described it in my previous examination, the quietest, best regulated, most good-humoured, most cordial, and, I would even say, the most amiable district I have ever lived in or known in any country.

5883. From what you have stated, the Committee are led to infer a direct connexion between certain persons called agitators, and the present disturbances in your part of the country?—I have no doubt whatever that the Whitefeet disturbances of the county, as they stand at present, have been aggravated, encouraged and increased by the hostility to tithes which the people have been taught to adopt, and by the expectations which they have been taught to found upon that resistance; in that way the connexion alluded to may exist, and probably does.

5884. Do you apprehend that the objects of the agitators are limited to the extinction of tithes, and that their exertions in exciting the people will cease with the accomplishment of that object?—I am quite persuaded that the contrary is the fact; as evidence of which we have their own words for it, that they contemplate at least a dissolution of the Union, to be extricated from the power and influence of what they call a foreign Parliament; and I look upon them to be persons who, in the words of Baron Smith, "enjoy the storm in the hope that they may plunder the wreck;" and I am convinced that if they are permitted to proceed in their present course of agitation and organization of numerical force, revolution, democracy, and a total subversion of the British authority in that country, will be the natural and inevitable and certain result.

5885. Did it appear to you that those disturbances in the Queen's County were connected with the opposition to tithe, or that the opposition to tithe mixed itself with those disturbances?—I consider that the Whitefeet disturbances in their original state were for purposes more particularly connected with land; but it has been a great encouragement to those Whitefeet confederacies that they have seen an extensive and hitherto successful conspiracy established for another purpose: each association and confederacy is an encouragement to the other, and latterly I consider them to be for one combined purpose, namely, an eventual subversion of property, beginning with that of the Established Church.

5886. How did the opposition to tithes generally exhibit itself in any way to show that it was the result of a conspiracy, besides what you have alluded to in your own parish?—During the time that the assizes were being held in the county town in March 1831, and whilst the Judges were on the bench, and for some time previous, there was a printed placard posted generally through the town of Maryborough, signed "Anti Tithe-tax."

5887. What was the object of the placard?—The object of it was to teach the people how they might successfully, by passive resistance, counteract and defeat the law and the right to tithe, and denouncing all who should dare to act otherwise.

5888. Was this opposition to tithe justified by any oppression in the tithe system that you are aware of, or heard the people complain of?—I have heard the people frequently complain individually of instances of oppression on the part of tithe-proctors; and I was myself, in 1829, applied to by some of my poor neighbours, who requested that I would go and attend a tithe court that was to be held at Stradhally; they stated that more than the value of the tithe was exacted from them, and they besought me to go and see what they were pleased to call "justice done them;" I therefore did go, and for that particular purpose, and presided with another magistrate at the court, in which we decided a very great number of cases, I believe nearly 200; in those cases the magistrates, at the instance of the persons seeking the tithe, offered to the parishioners who com-
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Myles J. O'Reilly,
Esq.
11 July 1832.

plained, an opportunity of proving by their own testimony on oath, that the sum sought to be recovered was more than the value of the tithe, or even that it was near the value, and there was not a single instance, including those persons' friends and labourers of my own, who had complained, in which the defendant was willing to apply that test to the case; and all the decisions were made, and I am sure justly in every instance, in favour of the plaintiff.

5889. Upon any other occasion, had you an opportunity as a magistrate, or in any other way, of discovering any actual oppression generally practised on the subject of tithes upon the people?—There had been heretofore, some years ago, much more of vexation and inconvenience to the people respecting their tithes, than there had in latter years been, and at the same time that I, with the other magistrate, presided in the Court I have just mentioned, we made a rule, that in future it should be a condition precedent to any decision whatsoever in favour of the person seeking the tithe, that the proctor should have delivered a written schedule of his demand to the parishioner at the time that he made the view, so as to ensure to him the opportunity to give the tithe in kind if he so preferred, or could not agree with the proctor on moderate terms.

5890. Have you any reason to know that that was acted upon?—It was acted upon on the following year by the proctor delivering such schedules in a great number of cases, but it never came before the magistrates as deciding tithe questions, for it was subsequent to the holding of the court and making those decisions that the opposition to tithe already mentioned in my previous evidence commenced in those parishes.

5891. Have you heard of any grievances alleged to arise from the conduct of the landlords, as the foundation of complaints on the part of the people?—I have heard, that amongst the whole number of landlords in the Queen's County, three or four have been specially complained of: but I have heard much more of those complaints latterly than at the time at which any of the hardships supposed to have been inflicted by those persons took place.

5892. Can you inform the Committee whether those were well-founded complaints, or can you throw any light upon the subject by any statement that you can make respecting the conduct of those landlords in the management of their property?—I heard that Major Cassan had dispossessed some families from lands adjoining or near to his own residence, but I am not acquainted with the particulars, for I was not in the country (as I believe) at the time. I have heard and know that Mr. Cosby, several years ago, who was then and up to the time of his death, which everybody laments, one of the best gentlemen that ever lived in any country, had at the expiration of leases made a different arrangement of parts of his properties from that which had previously subsisted, and that in doing so he had put out some tenants, but it was at a time when those persons had a much better opportunity of procuring other places than latterly could have been the case; and I am sure that in the whole of what Mr. Cosby did upon his estate he did only that which a sensible and humane landlord would find it expedient and proper to do. In the exercise of a similar discretion, and exactly, I believe, in a similar way, adopting a necessary policy with respect to his own property, the Marquis of Lansdowne has to a much greater extent, I believe, made regulations on his estate different from those which had previously existed; and I am quite persuaded that in the exercise of that dominion over his own property which every landlord is entitled to, and in the execution of those changes which manifestly were necessary, they were practically done with every rational and reasonable reference to humane and proper principles, by the gentleman who acts as agent on the estate.

5893. Did this arrangement you have spoken of by the Marquis of Lansdowne include the ejectment of any number of tenants?—I believe it involved the necessary removal of several.

5894. Do you know anything of the circumstances of the other ejectments that have been complained of in that country?—I have heard recent allusions made to some tenants having been a few years since, on the expiration of a lease, ejected by the late Sir Allen Welch, or by his son, the present Sir Edward Welch, from some land which is manifestly necessary to his demesne.

5895. Could there have been a foundation for the present disturbances in the circumstances of them?—The whole four cases I have alluded to, which are all I have ever heard, even in these new days, complained of as having occurred within the county, have been recently made a text on which all sorts of agitation

Myles J. O'Reilly,
Esq.
14 July 1871.

doctrines have been preached, but I am well persuaded that there does not exist in any country more humane or better landlords than the late Sir Allen Welch and the present possessor of the estate; as a proof of which, I do not know any person in the Queen's County who retains a more decided influence, in despite of all these agitation obstacles and misrepresentations, over his tenantry than Sir Edward Welch, or any gentleman more universally respected. I preside constantly with others at the Petty Sessions Court at Stradbally, where all disputes between his tenants and others or themselves would necessarily be brought for adjudication, and my memory does not at present furnish me with the recollection of any instance in which we had occasion to decide such disputes between those tenants or their neighbours.

5896. Is there any foundation for the charge, that the Sessions House of Stradbally was unnecessary, and built at an excessive cost, and evidently for the improvement of the domain of Mr. Cosby?—It was certainly not built unnecessarily, for it serves at present for the purposes of the quarter sessions, as a Bridewell, and for the petty sessions, which are regularly held once a fortnight; it was not built, I suppose, at an excessive expense, for it was erected under the usual contracts and checks which attend public buildings in the county; and to say that it was built for the improvement of Mr. Cosby's domain, would be just as reasonable as if I were to say that the public road which led past his gate was made for his exclusive accommodation; the allegation would be even more false than it is absurd.

5897. Are you acquainted with such an office in your county as Secretary to the County?—There is the office of Secretary to the Grand Jury, and I have myself fulfilled the duties of Secretary to the Central Committee of the Magistrates of the county, but I know of no other office of that kind within the Queen's County.

5898. Do you know a gentleman of the name of John Dillon, who describes himself as secretary to the county for six years?—I know there is a Mr. John Dillon, though I do not know him to speak to him, but I have seen him very often and have heard him speak at the election.

5899. Do you know of his filling that office?—Not by any such name that I am acquainted with, as connected with the county.

5900. Have you ever known any county meetings for the last eight years, at which he was called upon to fill that office?—He may have acted as secretary to some agitation meetings, which I never attended.

5901. Have you known him ever being employed as secretary to any meeting of the magistrates and gentlemen of the county?—Never. Mr. Dillon was no more secretary of the county than I am Secretary of State.

5902. What do you understand by the county?—I understand the county to comprise the lord lieutenant, the sheriff, the magistrates, grand jurors, petty jurors, and the inhabitants of the county.

5903. If he was secretary to the inhabitants of the county, would he not be secretary to the county itself?—The Committee will do Mr. John Dillon the favour to put their own construction upon the title "Secretary to the County." I only know of his attending agitation meetings, such as the county, in my acceptance of the term, would carefully avoid.

5904. Are you acquainted with Colonel O'Donoghue?—I know him very well.

5905. What situation does he fill?—He is a resident stipendiary magistrate, and has been so for some years.

5906. Have you had an opportunity of observing his conduct in that department?—I have had very constant and ample opportunity, having been always in confidential communication with him respecting the peace of the county.

5907. Is there any foundation for the charge that he and other persons like him, holding public situations, where the existence of their situations depends upon the disturbance of the county, were not sufficiently anxious that the country should be quiet; and that such is the general impression in the county?—There cannot be the shadow of any foundation for such an imputation, nor any such general impression; and if I thought there were the least truth in such a charge, if no other person in the county would do it, (and I am persuaded no magistrate would decline doing so,) I would myself take the most active measures to expose such principles and to procure the dismissal of any such public officer.

5908. Have you any reason to suppose that the unpaid magistrates would object to the existence of stipendiary magistrates, or that any jealousy would arise between them

them and the stipendiary magistrates?—I have seen so much of the perfectly cordial co-operation of the unpaid magistrates with those who are stipendiary, that I am persuaded that in the Queen's County no such jealousy in the slightest degree ever did or does exist.

5909. Is not the office of stipendiary magistrate very much sought for by a certain class of the unpaid magistrates at present?—I do not think it is.

5910. Have you suggested to the Committee such measures as occur to yourself which would be the means for the improvement of the peace of the country, or that might tend to advance it?—There may be a few particulars, which I can compress very much.

5911. Does it occur to you that persons holding the situation of agents to estates have an influence that might be beneficially employed in restoring and keeping the peace of the county, particularly upon absentee properties?—I am quite certain that persons holding the situation of agents could exercise a most important influence, and almost a jurisdiction, I would say, to repress and prevent disturbance, so far at least, but only so far, as those disturbances have relation to the tenures on the estates.

5912. Do you found that upon any particular facts?—I found that opinion upon the knowledge I have of the great power and influence that landlords could exercise directly over their tenantry; and if I were myself the proprietor of a large estate in that county, and were from necessity an absentee, I would make my agent personally responsible to me, and the tenure of his office should depend upon it, that there should not be any interference whatsoever of an illegal character permitted to succeed upon that estate; and I would myself willingly act under such stipulation.

5913. Do you think that witnesses are sufficiently protected for the support of the due administration of the law?—The dangers and difficulties which in Ireland all witnesses, who come forward to prosecute in insurrectionary cases, encounter are so certain and so great, that I am often amazed that they are found to come forward at all. I think I have already mentioned, that I have seldom seen an instance, where the punishment of the convict was to be transportation, in which I did not think that his situation was more enviable than that of the witness who prosecuted. As illustrative of that, it would not be a loss of the time of the Committee to hear the particular circumstances of a few witnesses who prosecuted at the late commission, and towards whom the Government, I know, are most anxious to extend whatever protection they practically can. There is a man of the name of Thomas Miller, a Protestant, who prosecuted five persons to conviction; he was a farmer, holding 50 acres of land under a good lease, at 12 s. an acre, having paid a considerable sum for the purchase of the interest; he was in his house in bed, at night, when his Catholic neighbour, a man of the name of Terrott, had his house violently attacked; Terrott made his escape, by bursting through a mud wall into another house, and ran off, and got some assistance from Miller, who rushed out in his shirt, giving the other man a gun, and having a double-barrelled pistol himself, and both ran immediately towards the house, where having in vain sought Terrott, the party were ill-treating his wife and children; a mob of at least 24 persons arrived, some of them armed, engaged in this outrage, immediately advanced towards them, and Terrott besought Miller to fire on them; but this man, conducting himself with a degree of humanity and coolness that did him infinite credit, abstained from doing so until they had burnt priming twice or three times at him; they then rushed upon Miller, and he shot the man who seized him by the collar; the pistol was then knocked out of Miller's hand, and they beat him dreadfully, and left him in fact for dead. This man had been previously very much respected and regarded by all his neighbours, including those from whom he differed in religious persuasion. The Chief Justice, in passing sentence on one of the convicts, used these words: "You are much indebted to the representation made of you by that brave, gallant and humane, and single-hearted character, Thomas Miller; that man who so nearly lost his life by the brutal and cruel violence of your associates, committed in your presence, has stated you to be a young person of good conduct. I had a question put to him since your trial, with reference to that part of his evidence which represented you as stooping over his body and looking into his face, then within four inches of your own, and then weltering in his blood, whether that might not be attributed to a return of your good natural feeling, and to your wish to ascertain the extent of his danger; when that question was put to that

Myler J. O'Reilly,
Esq.
12 July 1832.

Major J. O'Reilly,
Esq.

12 July 1830.

honest man, he said at once, "I would be glad to think so, and I believe it was so." The Committee are to learn, however, that this excellent man, compelled to contemplate, and, if possible, to effect the immediate expatriation of himself and all his family. A memorial, stating the facts of this case, was presented to the Government, and they have signified, that if he contemplates remaining on his farm, there will be a police protection afforded to him; he has also been offered, but whether he will receive it or not I cannot say, a donation of 30 £.

5914. Does he live in a slated house?—I am not aware.

5915. Are you aware that the Irish Government, in similar cases to what you have stated, and where the parties lived in thatched houses, have given money to have their houses slated, and put in a state of defence?—I should be very sorry to be understood in what I have stated in reply to any previous question, or to this question, as at all advocating the case that the Irish Government are indifferent to the welfare of such persons; the contrary is distinctly my opinion and feeling; but I do not believe that the Irish Government are supplied with the proper means wherewith to do that which their own wishes and good policy would lead them to do; they may in other cases, but I am not precisely aware in what particular cases they have furnished slated roofs in the manner mentioned, and I think it a wise thing to do. Two persons who gave evidence on the same trial, Terrott and Howse, have been offered the means of transporting themselves to America.

5916. Are you aware whether Miller's landlord has done anything to reward Miller for his gallant conduct?—I rather believe that he holds his land under the Earl of Portarlington; and if so, I well know that his landlord is a person extremely likely to take an anxious interest about such a man. Another remarkable instance came under my own observation whilst sitting upon the grand jury at a former but recent assizes. An aged man and his wife were produced as witnesses to sustain an indictment for a grievous outrage and assault. An armed party had come to his house at night, and inquired why he had not subscribed to some demand that had previously been given to him relative to some small piece of land; he made the best excuse he could; but one of them, after having put him on his knees, deliberately cut off his ear, and the party beat him and his wife severely. They had proceeded before the magistrates the following day, and had distinctly described and subsequently identified five or six persons, who were then indicted. When the old couple came before the grand jury they both deliberately denied the informations altogether as to the identity; they sustained them in every other particular, but affected to be quite ignorant of the persons who had committed the offence. The grand jury were disposed immediately to order an indictment to be preferred for perjury, but suspended doing so at my request, until I should speak with the poor couple outside. I did not ask them to commit themselves to an avowal of the perjury that they manifestly had committed, but the poor man, showing me his ear, said, "Sir, I have still got one ear, and my skull is not broke; I have lived too long in my place to wish to give it up; I have grandchildren, orphans, to protect, and my old wife and myself are too old and too poor to set about transporting ourselves;" and the indictment for perjury under those circumstances was not preferred by the grand jury.

5917. Did the prosecution go on?—It could not go on, it utterly failed, and the offenders were let loose to re-commence their outrages.

5918. It has been stated that an address from Dr. Doyle was published, to induce the people to return to peace and good order; do you consider that that sort of interference is likely to be very effectual from Dr. Doyle, or the Roman-catholic clergy?—I am very sure, that coming from such an authority, and having been, as I know has been the case, acted upon with a good deal of zeal by the Catholic clergy in the neighbourhood I am acquainted with, it has been to a certain extent auxiliary to the commission, and has tended in that way to repress disturbance.

5919. Did that requisition include a call upon the people to give up their arms?—I cannot say from recollection. I do not know whether it is before the Committee or not: arms certainly have not been given up generally, if at all.

5920. Do you know of any serviceable arms having been given up?—I have heard of no arms having been given up, except some 40 or 50 stand latterly given up, I believe principally from the parish in which the convict Nash had lived, in the hope of saving his life, and which I understand were totally unusable.

5921. Do

5921. Do you know whether any arms have been given up since you left Ireland? —I am not aware of any, nor are such mentioned in the letters I have received.

5922. Then, in truth, the peace of the county might be very materially affected by the interference of Dr. Doyle and the Roman-catholic clergy?—I am very well persuaded that the influence of Dr. Doyle and the Catholic clergy is very considerable.

5923. Has it been exerted or not to the suppression of disturbance?—I do not think it has been generally exerted to the extent that that authority might have been exerted, or as early as it ought; though I am perfectly aware that there are several of the Roman-catholic clergy in the county in which I live, who would not, and do not, omit any opportunity of exerting their influence in a manner beneficial to public tranquillity.

5924. In what respect, in your opinion, have their exertions been deficient, where you think they might have been more effectual?—If that last circular and anathema of Dr. Doyle had proved efficient to a certain degree for the above purposes, it is evidence that it might have been beneficially employed earlier for the same purposes.

5925. What did that circular contain; was it a call upon the clergy to refuse the rites of their church to those connected with the disturbances?—As well as my memory serves me, it enjoined the clergy to promote an association of the sound part of the parishioners to act armed with the police, and to co-operate with the magistracy for the purpose of suppressing the Whitesheet and Blackfeet, and it enjoined an anathema or prohibition of religious rites towards those persons who should be found still to adhere to the oath of the Whitesheet. If I were to speak from memory, I do not recollect that it included a positive injunction for the surrender of arms, but I may be totally mistaken in this; I should be very sorry to state it incorrectly, and I hope that I may be able by reference to rectify as an error of my own memory the possibility of such omission.

5926. Do you attribute the effect produced by this circular to a direction on the part of the bishop to refuse the sacrament to persons who continued in this state of crime?—That privation, together with other penances prescribed, were the penalties held out to enforce obedience to it; I therefore conclude that those penalties produced the effect, and regret they were not sooner had recourse to.

5927. Though you have stated generally, with respect to the body of the Roman-catholic clergy, that they have interfered in this very proper manner, do you know any instances to the contrary, where any individuals of that body have taken a part in promoting agitation, and have appeared upon any occasion at the head of large bodies of men?—Some individuals of the Catholic clergy have attended what may be called agitation meetings, and I understand that several individuals of that calling have appeared at the head of very large bodies of the peasantry, but I am not aware that any of the Roman-catholic clergy have been at all implicated in the Whiteboy disturbances in the Queen's County.

5928. As a magistrate of Queen's County, which would you prefer, if you knew that a large meeting of peasantry was about to take place, that the Catholic clergy should stay away from the meeting, or attend that meeting?—It would depend very much on the consideration of whether those clergy in attendance were favourable to and anxious to promote the objects of that large meeting, or the contrary.

5929. Do you conceive that the attendance of the clergy at those large tithe meetings has been productive of the prevention of the commission of breaches of the peace, or the reverse?—I understand that the interference of the Catholic clergy who were at the head of a very large assemblage of people which took place recently at Carlow, was productive of very remarkable order and regularity in their proceedings; that the people formed themselves into distinct bodies, and were drawn up in the presence of the King's troops, and were there kept precisely at the distance which, in consequence of a parley between the officer commanding the troops and those who were at the head of the people, was regulated so as to meet what the officer in command considered to be a prudent and proper distance at which such an immense assemblage might be permitted to remain in the presence of troops.

5930. Do you think it preferable that the clergy should have remained away on that occasion, and left the people to their own direction?—If the presence of the clergy there, or any efforts previously made by them, tended to promote that immense assemblage, I cannot conceive that the part taken by them was calculated

Myler J. O'Reilly,
Esq.
12 July 1835.

Wm. J. O'Reilly,
Esq.
17 July 1832.

abstractedly to preserve the peace ; but there is no doubt whatever that the influence on that occasion exercised on the spot tended to prevent the imprudence which persons otherwise undisciplined, and otherwise not controlled, might have been guilty of.

5931. Have you any doubt that the number of persons was greatly increased, and that the public were encouraged to attend, by knowing that their pastors were to lead or to take a part ?—I should think it highly probable that the feelings of the common people would be very much influenced by such a consideration ; and I understand that the whole of that immense assemblage of persons were dismissed and sent home on three successive evenings by a mere message coming from Dr. Doyle to that effect.

5932. Have you any doubt that the assemblage was in consequence of the exertions and advice of the Roman-catholic clergy ?—Referring to the object they had in meeting, and holding in recollection the Pastoral of Dr. Doyle and the injunctions therein contained, I think it would be mere affectation in any person of common understanding to deny that proposition.

5933. Have you any doubt that such assemblages are calculated to afford the people a practical example of their strength, and to encourage a disposition to such meetings and to such displays as are highly unfavourable to the security of the country ?—Nothing can be more calculated to produce insecurity to all property, to all authority, and to every legitimate government, than such assemblages, even where they do take place of a less excitable class of persons than the common peasantry of Ireland ; and I consider such assemblages fraught with the greatest peril to life and property, and to the King's authority, in that part of the United Kingdom.

5934. If we assume, therefore, that such meetings are highly calculated to endanger the peace of the country by giving the people practical examples of their own strength, and if we admit, as you have stated, that such meetings are traceable to the exertion of the influence of the Roman-catholic clergy, it would appear that the Roman-catholic clergy are exerting their influence in a way most dangerous to the peace of the country ?—I do not consider such meetings traceable simply to the influence of the Roman-catholic clergy, for the agitators have made indefatigable exertions to recommend such meetings ; so far, however, as the Roman-catholic clergy have co-operated, they may be considered as exerting their influence not favourably to the good order of the country, assuming of course that all such meetings are highly dangerous to the State.

5935. It being a matter of considerable importance to the Catholic clergy to prevent future misconstruction of their conduct, is it your opinion that in all future times it would be better for the peace of the country that the Catholic clergy should not in any way interfere in other matters except simply their spiritual duties, and leaving to the magistrates of the country to control the population of it in the best way they can ?—I consider that the Catholic clergy can exercise an influence highly beneficial to the preservation of the tranquillity of the country, and could materially assist the magistrates and the Government in preserving it ; but so far as they promote (if they do promote) what are called peaceable assemblages of immense bodies of the people, I cannot consider that such acts are calculated to give the assistance which the question would imply.

5936. Do you not conceive that the assertion by individuals examined before this Committee, with respect to the conduct of the Catholic clergy in these matters, is likely to induce them to withhold in future their interference in matters that do not strictly concern their professional duties ?—I do not know what influence the evidence of other individuals, of which I am ignorant, may have upon the Roman-catholic clergy, but I should be extremely sorry indeed that any observations of mine, which, in due obedience the questions put to me by the Committee, I have made in reference to notorious facts, in perfect candour, and without the least feeling of what may be called party, should have any such influence as the question tends to imply ; an effect I should be very sorry to arise from any answer that I had given, and which I cannot contemplate as at all likely to produce it.

5937. You stated in a former part of your evidence that the letter of Dr. Doyle recommended the clergy to assist the magistrates and the police, and to arm the sound part of their flocks against Whitefeet ; are you aware whether they made an application to Lord De Vesci, the lord-lieutenant, for that purpose, and whether he has taken any steps since to give effect to their offer ?—I am aware

aware of the whole transaction. Lord De Vesel, during the sitting of the special commission, called a general meeting of magistrates in the grand-jury room, and laid before them and the grand jury generally, a letter which he had received, I believe, signed by the Rev. Mr. O'Connor, and some other Roman-catholic clergyman of that neighbourhood, making a proposal of that nature, which appeared to be in consequence of Dr. Doyle's having contemplated the deplorable state of the county, mentioning that even the towns were no longer secure, and requesting the aid of Government in accomplishing the object of such an association. The attention of the magistrates was anxiously directed to it, but it did not appear to them that the three queries which were attached to that letter were calculated to promote the object of it in such a manner as they could think advisable. The queries were as follow: First, Are the sworn special constables liable to be called out at any moment, or on any service, at the option of any magistrate? Second, Are they competent to act as occasion may require, without the presence or authority of a magistrate? Thirdly, Would parochial or local associations for the protection of life and property, without the sanction of an oath, receive the approbation and support of the Government? The meeting were the more led to think that this measure could not at the moment be rendered practically available, in consequence of a letter from Mr. Lalor of Limekil, one of the principal agitators in the county, having been at the same time submitted, in which he suggested that the only constitutional mode of pacifying the county would be to nominate an officer of their own, whom he designated by the name of a centurion, who should have the sole control of those persons who should enrol themselves in an association upon each townland, and who should expressly not be subject to the control and direction of the magistrates, but to the Government alone; and suggesting also, that though the oath of allegiance might not be universally objected to, yet that it would be much more prudent that it should not form a stipulation for such an association. There was another and a very alarming suggestion, with which the letter concluded, which was, that His Majesty's Government should be induced to publish a general amnesty and free pardon to all persons engaged in Whitefoot and Whiteboy offences, murder alone excepted, who should prove their deserts as loyal persons and good subjects, by expressing their willingness to join in this association. Under those circumstances, it appeared to the lord-lieutenant of the county and the magistrates, that any such association would manifestly be an increase rather than the contrary of dangerous confederacies in the county, and Lord De Vesel, without exactly expressing the reasons that influenced this decision, gave in reply, as I at the time understood, a suggestion that no proceeding of that sort should be adopted until the public should become aware of the express provisions of the Act for the purpose of establishing special constables, which was then understood to be either before Parliament or in the contemplation of the Government.

5938. Then the application of the Catholic clergy was not decided upon its own merits, but decided upon the very absurd letter of Mr. Lalor which you have just quoted?—The letter of Mr. Lalor was no more absurd than a great many of such matters as we have been troubled with in that county; but it was quite illustrative of this fact, that the intentions of the Catholic clergy, which I am persuaded were good intentions, could not be practically put in effect usefully to the county, but on the contrary, that in operation the very measure intended to produce good would increase the evils of the community.

5939. Do you not suppose the Roman-catholic clergy, and particularly the individual who wrote that letter to Lord de Vesel, were very good judges whether the influence of such a man as Mr. Lalor, or their influence, would be most predominant in the association they proposed?—For the reverend gentleman who presented that letter, with whom I have the pleasure to be very well acquainted, I have a very high respect; I think that any proposition coming from him would be intended at least for a good purpose, but I have great doubt that the bad influence might not wholly countervail the good in despite of his wishes and anxiety to prevent it.

5940. Then, in your opinion, the Catholic clergy have not that influence which your former answer would lead us to suppose?—I do not mean by any answer I give now at all to counteract anything I have said before; and I am sorry to think that the influence of the Catholic clergy is very much more effectual when it is applied to promote those objects which the agitators have taught the people to pursue, than when it is attempted to be practised as an obstruction to them.

Myles J. O'Reilly,
Esq.

12 July 1831.

5941. Are you not aware that the Rev. Mr. O'Connor, who wrote that letter, is decidedly opposed to the extreme system of agitation pursued by Mr. Lalor and his party of agitators?—I have very good reason to think that he is; and that opinion is founded upon the knowledge of this fact, that he has refused the use of his chapel for the collection of what is called the O'Connell tribute, and other similar purposes; and that he has always, as far as my knowledge goes (and I am well informed upon the subject), taken a fair and becoming part to maintain what was proper and right in the Queen's County.

5942. Then is it not very likely to be hurtful to the feelings of such a man as the Rev. Mr. O'Connor, and the persons who acted with him on that occasion, to have their application refused, because a person with whose politics they are opposed should have written a foolish letter to one of the grand jury, which was laid before the magistrates and the lord-lieutenant, thereby identifying him with them?—There was no refusal made, nor anything done, as I conceive, that could have been at all hurtful to the feelings of the Rev. Mr. O'Connor, or those other persons signing the letter; but the magistrates acted so far as giving the reply which I have already mentioned, seeing very distinctly that practically the association would involve in the execution of their plan much more of Mr. Lalor's arrangement probably, and that of the other agitators of the county, than the well-intended influence of the reverend gentlemen concerned.

5943. From that answer we may suppose that the influence of the Catholic clergy is not so great as to counteract the evil influence of other persons; wherefore they cannot be accused of not stopping the disturbances to which you allude?—The Committee are as competent as I can possibly be, and I hope much more so, to draw sound conclusions from obvious facts.

5944. Are the Committee then to understand, that the Queen's County have lost the benefit of the co-operation of the Catholic clergy and Catholic population in these associations, in consequence of those proceedings which took place which you have just now detailed?—I should be very sorry that Queen's County lost the benefit of the co-operation and assistance of the Roman-catholic clergy in the preservation of the peace. The proposition was not, as I have already said, refused or declined by any means; but if what then occurred were permitted to have the effect of producing such a consequence as the question would imply, it is very manifest, that the proffered co-operation and assistance could not be very materially beneficial which should be afterwards withheld on any such grounds.

5945. Were you one of the magistrates present at that meeting?—I was present.

5946. Will you have the goodness more specifically to detail the answer given to the individuals who made the proposition?—The answer was given by the lord-lieutenant of the county, as I understood; whether verbally or in writing, I cannot say; but that answer neither was intended nor did at all imply, that the magistrates undervalued or were unwilling to receive any assistance proffered by the Roman-catholic clergy for the maintenance of the good order of the county: on the contrary, the lord-lieutenant of the county and the magistrates were, individually and collectively, anxious that every influence and every means should be made use of to promote that good order and tranquillity which had been so long suspended.

5947. You stated in the early part of your evidence that the Catholic Relief Bill had produced no effects upon the lower classes of the Catholic population; are you aware that any benefit to the lower class of that population followed that measure?—I believe the Catholic Relief Bill did for a time tranquillize the agitation which previously had been organized, but that agitation appeared to me to be very speedily directed to other objects and other supposed grievances, with increased intensity.

5948. Do you conceive the lower classes were disappointed at not finding the hopes that had been in some instances held out to them, realized by the passing of the measure?—No doubt the Catholic population were taught by those persons who agitated the Catholic question at that time, to entertain vague and undefined hopes and expectations, which were not likely to be realized by any such measure.

5949. Are you not aware that previous to the time the Catholic population were induced to expect benefits to their situation from the passing of the Relief Bill, that they did not join the higher classes of Catholics in seeking for emancipation?—At what particular time the common people of the Roman-catholic population may be held to have joined the higher classes of that persuasion for the purposes of

of seeking emancipation, I cannot pretend to be accurately informed: I should suppose about the time that simultaneous meetings were arranged.

5950. Do you conceive that if the situation of the lower classes in Ireland was benefited, either by a poor-law or any other measure that would tend to alleviate their distress, it would have a beneficial effect in preventing them heeding the speeches of agitators and those who wished to disturb them?—I have very great doubts that a poor-law would be found practically beneficial to the circumstances of the common people; and I have no doubt that their attention would speedily be directed to some other grievance, real or imaginary, by those persons who are engaged in active exertions to keep the country in a state of disquietude hostile to all rule and government.

5951. Then you think there is no hope for the future peace of Ireland?—I should be very sorry to despair of the future peace of Ireland; for when the King's authority is maintained in that country as it ought to be, and when the Government shall be able, as I hope it will be, to put individuals in their proper places in that country, and to suppress the efforts of those agitators who have no valid title to usurp the authority that they now do, and have for a long time done, hostile to the real interests of the majority, I may say of the whole of the Irish community, diametrically opposed to all good government and to all authority, and not less opposed to the present Government than to any other Government, of any other complexion or party; when those points are accomplished, and persons put into their proper stations in the country, I still think and am certain that the peasantry would speedily evince their natural deference towards their superiors, resume their industry, re-adopt peaceable, decent and good conduct towards each other, and prove their respect for and observance of those laws which are not less intended, and I hope not less efficient, to protect than to afford security to the lives and property of others.

5952. Then you think the peasantry have really nothing to complain of?—I am far from thinking they have nothing to complain of; but I think they have comparatively less to complain of than I ever knew them to have before, and believe that their real sources of complaint, or of the complaints made for them by other persons, are vastly more light than they have ever been within my experience.

Veneris, 15^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Robert Cassidy, Esq., called in; and Examined.

5953. YOU live in the Queen's County?—I do.

5954. It has been in a very disturbed state, has it not?—Part of it.

5955. Would you state to the Committee what you consider to have been the cause and origin of that disturbance?—The state of the county has been more or less in a state of disturbance, or rather dissatisfaction, for some years; but I consider that since May 1831 those disturbances have become more extensive, and more atrocious in their character, and the nature of the crimes which have been perpetrated have been more aggravated: the cause, I think, has been much longer than the effect; the prevalent distress of the country, to which 9-10ths of the population are subject, makes them very easily attend to any prospect held out to them for bettering their condition. The eviction of tenants, the low rate of wages, and the generally oppressive conduct of the people to whom the labouring classes have been subjected, have been the prime causes of the combinations amongst the people.

5956. Then you trace it, in a great measure, to the persons that have been dispossessed of their lands?—I conceive that the turning out of tenants has been the principal means of uniting the people for a common cause.

5957. Has there been much of that in the part of the country you have been acquainted with?—In the district of Portlambach, in which I immediately reside, there has not been a good deal of turning out. In the neighbourhood of Emo

*Myra J. O'Reilly,
Esq.*

12 July 1832.

R. Cassidy, Esq.

13 July 1832.

R. Condy, Esq.
13 July 1832.

and Kilbride, and in a few miles from me, there has been a good deal of turning off; some of the persons turned off have been located on lands in the immediate neighbourhood where I live.

5958. Do you think that the disturbances were caused at all by persons, strangers, coming into the country at the time the canal was making?—I am not aware, nor could I trace any agency by means of strangers coming in to work at the canal.

5959. There were a great many strangers?—Yes, there were; and there has been some strike for wages amongst labourers on the canal, on two or three occasions: perhaps that might have given an example that was followed, but I never could answer to my own satisfaction that the persons connected with the canal were active in swearing in or entering into any combination of the country people.

5960. What are the wages, generally speaking, in your part of the country?—Amongst the farmers the wages vary according to the season of the year; there is a good deal of employment immediately about me, and the wages vary from 8*s.* in winter to 10*s.* in summer; at the change of the currency the money was still paid, 9*½* British, instead of 10*s.* Irish currency.

5961. The change of currency acted as a benefit to the tenantry; was it not an advantage that they gained from the paying their rent in one currency, and receiving for the produce of the farm in the other currency: it acted as a great abatement?—I conceive in all their money payments, for instance, tenants upon lease have had the advantage of the change of currency, that is, the nominal amount was lessened 8½ per cent.; but as to any advantage in the price of their produce, I conceive it had nothing to do with the change of currency.

5962. Do you not think it acted as a sort of forced abatement?—Where I paid 1*s.* 1*d.* rent under the old currency I now pay 1*s.*, but the produce of my land under either system is sold for the utmost that the market affords me and no more, and therefore I think I am precisely in the same situation *gross* rent as if no change of currency had taken place at all, as rents do not affect the price of produce sold off a farm; that price is regulated by the state of the market, not by the rent paid by landholders.

5963. Are the rents higher in your neighbourhood; you say you trace the disturbances in some measure to the exactions of the landlords?—The rents for the small holders and to the working class are extremely high in my neighbourhood; I had occasion to ascertain the rents paid by the labourers who work for me, and I found that the generality of them paid from 3*l.* to three guineas an acre for a single acre of very inferior land.

5964. With a house?—Yes; but generally built by themselves, of the most miserable description.

5965. Are those the under-tenants?—They are generally under-tenants where a lease for lives has existed. Small holdings are sublet; the middle-man lets to those individuals, and exacts the rent in general to a day.

5966. Do you consider that the rents are high where it is held direct from the landlord?—I conceive that the produce of any farm recently let in my neighbourhood would be totally inadequate to pay the rent and leave the tenant the means of comfortable support and living.

5967. What is the average rent of the land?—There is a great deal let at 30*s.* and 35*s.*, and some as high as 40*s.*

5968. Do you conceive if the tenantry had more capital that the price of land would be too high?—I consider it is the want of means to till their land that prevents tenants paying as high a rent as they otherwise would.

5969. You think the fault of the high rent is owing to the tenant not having a sufficient capital, and not to the landlord asking more than the land is intrinsically worth?—I think the land in the present state of the tenantry, subject to the outlay of fencing and every other charge, is over-let by landlords in general.

5970. You are a considerable land agent?—I am.

5971. In your management of that property what rule do you adopt in the leasing of land?—I invariably value the land myself and receive proposals publicly: I generally recommend my principal to take a certain rent, and for that certain rent to select the most industrious as well as the most enterprising tenant.

5972. You value the land in the first instance, and you receive proposals for it, and are not guided by the best offer, but in getting the real value you select the best tenant?—Yes.

5973. You

5973. You do not set up the land, as it is called?—I think I should not be justified in doing otherwise than leaving the farm open in the market to every individual who likes to propose for it.

5974. Do you find that the proposals are much above the value of the land?—Invariably.

5975. Do you not make it a rule invariably to give a preference to the occupying tenant, he offering what you consider the fair value?—Decidedly, where he is a man of fair character and an industrious man.

5976. Do you consider that an occupying tenant has a claim so strong that you would be justified in recommending him as such, though his private character and conduct might be objectionable?—No; I would state precisely that his private character was such as to lead me to suppose he would not be a good tenant.

5977. Do you always submit your proposals to your principal, previously to agreeing with the tenantry?—Invariably.

5978. Do you conceive that the disturbances to which you have alluded have any thing of a religious character mixed up with them?—Decidedly not.

5979. Do you conceive that the efforts that were made some time ago to induce the people to change their religion, had anything to do with their taking part against their Protestant neighbours?—I think it had a great effect in increasing the irritation, and diminishing confidence in those active in the new Reformation.

5980. When you say you consider there is nothing of a religious character mixed up with the present disturbances, do you mean to say that the Whitefeet are not associated together in hostility to Protestants?—I think not; nor have I ever been able to learn that the hostility of the Whitefeet was more directed against the Protestant than the Catholic.

5981. You have not seen their oath?—I have seen, and I have endeavoured to ascertain what the oath was; I have seen what was reported to be their oath.

5982. Did it contain any clause pointed in its hostility to Protestants?—One of the oaths I have seen was distinctly pointed against the Protestants; but in other instances where I have endeavoured to ascertain what the oath was, I have never been able to find that it was levelled against persons of any religious persuasion in particular.

5983. Do you conceive, that in parts of the country where the peasantry may have suffered particularly in consequence of the religious zeal of their Protestant neighbours, they might have introduced into the Whitefeet oath any thing that should militate against their Protestant neighbours?—On that I can give no definite opinion; but I think it very likely, if seven-eighths of the persons professing one religion insulted or endeavoured to annoy the professors of the Catholic religion, that it is very probable that religious feeling would enter into their hostility against the majority so professing hostility to them.

5984. Are you aware that the Whitefeet association is exclusively Roman-catholic?—I am not aware that it is exclusively Roman-catholic; but I am bound in fairness to say that I have never heard of a Protestant being what is called a sworn brother, but I have heard of Protestants being applied to, to join them.

5985. Can you state any particular grounds on which you conceive the disturbances are not of a religious character?—I think the causes that have led to the present state of Ireland are much deeper than any thing in our times; the present disturbances are but a repetition on a more extended scale of the disturbances that existed in Ireland before the Reformation, as well as since the Reformation; and I think the same cause will produce the same effect, whether the Government of England be Catholic, or whether the Government of England be Protestant.

5986. What do you allude to particularly?—I allude to the distinction between *English* and *Irish* that existed before the Reformation; and subsequent to the period of the introduction of the Reformation into Ireland; the same hostility existed between the native Irish and English, previous to the idea of Protestantism being introduced into Ireland, as now exists between the factions which now unhappily exist in Ireland, the *minority* supported by *English* influence, and thereby rendered careless of public opinion in Ireland: history clearly points the effects of such policy to be the present unhappy state of Ireland.

5987. You trace the cause to the national hatred of the old Irish to the English?—Not to *national* hatred, but to a small party treating the bulk of the people with continued injustice and continued oppression, and repeated confiscations for assumed political crimes or attachments.

5988. Is it your opinion that those persons who are looked upon as English
677. settlers
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R. Coombs, Esq.

13 July 1837.

settlers do treat the people with oppression and insult?—Certainly not, I mean to convey no such feeling; but I think those who are what is called the ascendancy portion of the English settlers: are supposed to treat the people with insult, and that they are considered to be the causes of the distress to which the bulk of the people are subjected.

5989. You mean, by the ascendancy party, the Protestants?—I think the ascendancy party is the party that is anxious for limiting the liberties and adding to the burdens of the people.

5990. The aristocracy, perhaps?—The aristocracy in general are governed by a feeling, either from ignorance or distrust, which does not induce them to treat the people justly or kindly.

5991. In speaking of the aristocracy of the country, and giving the statement you have made of the feelings of the people, as they are called, towards them, do you confine yourself to those portions of the landed proprietors who are Protestants, or do you include Roman-catholic proprietors equally?—I know many Roman-catholic proprietors for whom there is the same feeling as for Protestant proprietors; and I think where a Roman-catholic proprietor evicts tenants or exacts high rents, he is looked upon with greater aversion and distrust than a Protestant proprietor acting in the same manner.

5992. From the general tenor of your answer, it would lead an indispassionate observer to believe that you imagined that the Protestant proprietors are more like to injure the people than the Catholic proprietors: do you think there is any difference in their conduct?—Certainly not; for, taking them in general, I cannot say there is. I know instances of Protestant proprietors being some of the best landlords in Ireland, and I know instances of Catholic proprietors being as harsh as any other proprietors in Ireland.

5993. Then your opinions allude and apply equally to the aristocracy, independently of their religion?—Yes, certainly.

5994. Do you mean to include all the aristocracy of Ireland in what you have stated?—I thought I was particular in observing, I made great exceptions; I have known several instances of most excellent kind treatment on behalf of Protestants.

5995. Would you attribute any excitement that exists in Ireland at present to the increase of intelligence among the great body of the people, compared with what it was at the time when they suffered as much and were more quiet?—I consider that the intelligence of the people has led them to expect now much more of the enjoyments of life than they thought of 50 years ago, or even 40 years ago.

5996. Do you conceive that the increase of education among the people, without a corresponding improvement in civil institutions, is likely to produce great evil and great discontent?—I conceive that a man of information is less likely to be satisfied with a miserable condition without the hope of amendment, than a man without information, and therefore that the increase of education in the country must produce an increase in the comforts to which the labouring classes aspire.

5997. Would you attribute any disturbances that may exist at present to the increasing intelligence among the middle classes of society having induced them to discuss in strong terms the injuries which they conceived were inflicted upon the country, and then impressing the minds of the lower orders with a greater portion of discontent?—Undoubtedly the people hearing the upper classes declare and admit that their condition ought to have been bettered, has had a very natural effect in inducing the lower orders to look for it: during the discussions of the Catholic question, as it was called, and previous to the granting of the Relief Bill, it was a favourite object with every person who addressed the people to state that their condition ought to be amended, and that the laws which prevented the Roman-catholics acquiring their just influence, also degraded them in the scale of society.

5998. Have you observed that the concession of rights given in many cases has had little or no effect in quieting the country?—The concession of right has not had the anticipated effect in quieting the country; and the reason assigned for it in the common feeling of the country is, that those concessions were wrung from an unwilling Government, and that whilst they conceded on one hand, the people were ill treated on the other. I allude particularly to the measures that accompanied the grant of Catholic emancipation; disfranchising the 40s. freeholders operated

operated on the minds of the people as a counterpoise for the concession of civil rights to Catholics, particularly as disfranchisement affected thousands, whilst few only were in a situation to derive benefit from the Relief Bill.

5999. Do they attribute to the passing of the emancipation the desire on the part of the landlords to make 10*l.* freeholders where there were 40*s.* freeholders, and the turning out of their holdings that they have lately suffered?—They consider that the privation of the franchise of the 40*s.* freeholders has done away with the only tie that in many instances procured for tenants the means of existence; that the landlord now has no interest in multiplying small holdings, and that consequently they are turned off.

6000. Have you known that to occur in many instances?—Yes; I am aware that there has been a considerable disposition to clear estates.

6001. For the purpose of making 10*l.* freeholds?—Not for that purpose, but to get rid of a numerous tenantry heretofore encouraged for political purposes.

6002. Are you not aware, in your experience, it is impossible to improve an estate if it is covered with very small holdings; and that the landlord, in order to improve his estate, is almost forced in defence of his own rights to take that course that appears exceedingly severe?—I am aware, from the manner in which lands have been subdivided in Ireland, it would be totally impossible for a landlord to improve or well manage his estate, if he did not make some alteration in the arrangement of the farms; and both as an agent and a landlord I would strongly recommend the arranging of large farms for the improvement of an estate, and really for the comfort of the labouring people themselves.

6003. How can you manage to do that, unless you adopt that harsh course that seems to give such dissatisfaction to the people of Ireland?—In any case where I have had to recommend a course of that kind, I have always advocated the apportionment of a convenient site, and on that to create an agricultural village, giving to each individual a certain portion of land at the rent of a farm.

6004. Have you not found that the affection that the Irish have for the place in which they were born has obstructed that very much?—They will not go from bad land to something better without a feeling of regret; but I have never found it opposed when it was done by degrees, and giving them time to remove their crop and make their arrangements, and not to change them of a sudden and forcibly, but to take that course which humanity, and indeed common sense, dictates under such circumstances.

6005. But the description of tenant you would remove would be the small tenant who held a cottage and potato garden, and you would remove him from that to a mountain, or to land that was to be improved, and he would have to commence his improvement; is that the idea you have?—Certainly not; I think that is hardly a course that could now be taken, as it is one that would meet with great dislike from the people.

6006. How would you propose to act, in case there was no land such as you describe to which you could remove this superfluous population?—Of two evils I would choose the least, which was not to turn off a well-conducted person without securing him a residence elsewhere.

6007. Supposing a lease to drop of some hundred acres let to one individual, but which when the lease dropped was occupied by 20 or 30 families, and there was no land upon the estate to spare, what would you do; would you let the occupying tenants have the land at the same terms, but remaining upon it?—If I could not locate a portion of it for the residence of those people, I would much rather make a division of it into small farms, and leave the well-conducted there.

6008. What do you consider a small farm, how many acres?—I consider 10 acres is a small farm.

6009. Do you think that is a farm that would suit the capital of the lower orders in Ireland?—Much more than 100 acres; and if given at a fair rent, from 10 to 30 acres would be better managed and afford more employment than many of the large farms as now tenanted in Ireland.

6010. From your knowledge of land, and as an agent, do you think that the landlord would get a good rent regularly paid by that tenant?—Yes; I am quite satisfied that the best paid rents are from tenants holding small farms, even where they are holding it at more than the value.

6011. Do you apply those observations to the Queen's County, or the county of Kildare, with which you are more acquainted?—I apply them generally to the Queen's County.

—677.

223

6012. You

R. Cassidy, Esq.
13 July 1835.

6012. You are aware that the holdings in Kildare are very large; do you not find that the rents are exceedingly well paid upon those large farms, and that they are well cultivated?—The holders of large farms in Kildare are men of a very different description from those you meet with in the Queen's County; they are men of large property, graziers, several of them dairy farmers; and where there is a tillage farm, in two-thirds of Kildare, it is held by men as well able to farm it as the gentleman, in many instances, farms his own estate; he employs more labourers, and he pays better wages than the labourers have in the Queen's County.

6013. Do you not conceive that the labourers in the county of Kildare, where there are large farms, are more comfortable than the small farmers in the Queen's County?—In portions of Kildare the labourers have much more to do, and live more comfortable, are better clothed, and possess more comforts, than the great portion of the small farmers in the Queen's County.

6014. Do you find that they are more or less disposed to turbulence and dissatisfaction in Kildare, where they are more comfortable, than in the Queen's County?—Decidedly less.

6015. You are aware that, in the commencement of spring, attempts were made by the Whitesect to introduce their system on the borders of Kildare where it bordered the Queen's County, and that the labourers and workmen came forward unanimously to put a stop to it, and succeeded?—I am aware of the attempts of the Whitesect in the neighbourhood of Athy to extend it into Kildare; they were met by the gentry and the people, and effectually checked.

6016. There was an attempt made to form an association in the Queen's County in 1831?—There was.

6017. Do you know the cause of the failure of that attempt?—Perfectly.

6018. Be good enough to state it?—The magistrates convened a meeting in June 1831; at that meeting, 37, or some such number of magistrates, met; on evidence, which I understand was produced in the room, they came to certain resolutions, and those resolutions were distributed through the country. At a subsequent period applications were made to some individuals to join in that association: there was a meeting in the parish in which I live; it was called by Mr. Adair riding round on the 23d of June, and requesting each of the farmers as he wished, to meet him the following day at the school-house adjoining his own demesne. I met Mr. Adair after he had passed my house, and he mentioned to me the object of his going through the country on that day; I told him I did not perfectly understand it, but that I would attend the next day.

6019. Had you received any copy of those resolutions?—Not at that time.

6020. Did you know the object of the association?—I did not at that time; Mr. Adair shortly explained it to me; I ascertained the meeting was to be on the 24th June; I was informed by Mr. Adair what the substance of the resolutions were, and I wrote to a gentleman in the neighbourhood, who has property in the same district, Mr. Smyth, mentioning that this meeting was to be held at Belgrove, and I would be glad if he would attend it; that I was not quite certain of being there as early as the meeting was called for. I did attend at Belgrove the 24th, and I found a good number of persons present; before I had arrived, the resolutions had been discussed. Mr. Smyth declared that in his opinion no necessity existed for arming the population, and that he was not one of those who would concur in the resolutions. A very respectable neighbour of mine, a large landholder, Mr. Kenny, was also there; and before I had gone in, he had given his opinion to the same effect. I read over the resolutions, and being apprised of what had been done, I stated my opinion that this association ought not to be entered into in our parish; that I completely dissented from the resolutions of the magistrates; and that for my part I was not prepared, and would not place myself under the control of the magistrates in my parish; that I did not think they were entitled to the confidence of the people, and that I attributed the only disturbances which had arisen to the conduct of some of themselves. It may be necessary for me to explain to the Committee what the particular act I alluded to is: the labourers in that particular district had been in the habit of working through the summer months until very late hours, I am advised up to eight o'clock, (I am confining myself entirely to the Queen's County); subsequent to the election contest, which caused a good deal of excitement in the county, where these magistrates had been in direct opposition to the people, the people, upon meeting together,

R. Connolly, Esq.

13 July 1830.

together, came to the determination that they would alter their hours of work from six to six o'clock in the summer. A request was made to the gentlemen who had their labourers employed beyond these hours, to ring their bells at six o'clock, as was the custom in other counties: the gentlemen were given some days to consider of a request to this effect made to them; they were asked to commence at the Monday week following the application being made. Some of the gentlemen (Mr. Alloway, &c.) at once gave up, and ordered their bells to ring at six o'clock for the dismissal of their workmen, it being the custom elsewhere; three or four of them resisted, and declared that they would not do so: one gentleman gave notice to his labourers, who were also tenants, if they did not work till his bell rung, which was generally from seven to eight o'clock, he would dispossess them all from their holdings: a combination ensued, and the workmen left at the time that the six o'clock bells rang.

6021. Was that during harvest?—It was previous to the 24th of June.

6022. Was it a general thing during the summer?—It was a general custom through the summer; their wages were advanced to ten-pence for the summer half year, and they were then required to work till a late hour in the evening. The first combination that occurred was the labourers' combination to reduce the hours of work, and after a struggle of some days they finally succeeded, and they got the hours of work reduced to six o'clock. A good deal of alienation between the employers and employed was the consequence, and at such a moment and under such feelings the people were called upon to enter into an association to preserve the peace of the country. It was my feeling then, in which Mr. Smyth and Mr. Kenny, and in which Mr. Adair himself concurred, that the measure was not a very prudent one, and that it was not altogether required by the state of our district at the time.

6023. At that time the disturbances had not commenced in your quarter of the country?—They had not.

6024. Are the Committee to understand that Mr. Smyth objected to this association previous to your making any objection, or subsequent to it?—Mr. Smyth distinctly objected to the association before I reached the meeting, and had so expressed his dissent.

6025. Did those labourers of those gentlemen of whom you speak, quit work or enter into a combination of their own accord, or under intimidation or advice of agitators?—I am quite satisfied that the manner of getting these combinations up is by a written notice to the different labourers of one individual or another not to work beyond a certain hour; but as to whether the persons themselves, or whether strangers, were the authors of those associations, that is a subject very difficult to ascertain.

6026. At that time it was the custom to hold meetings, and for a certain description of persons, who called themselves agitators, to address inflammatory harangues to the people, pointing out grievances to the people?—I am not aware at that particular time there had been what are now termed very agitating meetings; there had been a good deal of excitement, and a great deal of bringing of large bodies together, as the Chairman can tell, during the election; but with few exceptions, I am not aware there was any outrage committed, even when the greatest crowd collected.

6027. The question referred to the custom prevailing in that country; whether meetings were not got up, and that persons having a certain degree of influence, probably from some property and station in the country, made it their business to attend those meetings to deliver inflammatory harangues calculated to produce great excitement, pointing out grievances supposed to exist in the country; in fact, in general terms, whether you are aware that that system was pursued in the country?—During the forwarding, as I may call it, of the Catholic question, those meetings were held; and it is not on my recollection that any other local meeting had occurred in June 1831, the period to which the question refers.

6028. Were not these meetings previous to June 1831, and after the passing of the Relief Bill, on the subject of education in those parishes?—I am not aware there were any meetings upon the subject of education in those parishes; there were meetings to establish schools in 1831, and I conceive that those meetings were generally a dinner. The farmers and others sent a joint each; all who attended paid for tickets; the whole of the money then went to a subscription in support of the school; and I know that those meetings, so far from alienating the people and their employers, tended very much to draw them together. The land-

R. Conarty, Esq.

13 July 1832.

lords and gentry who countenanced and supported the object of those meetings were thanked, and the people feel grateful for such co-operation.

6029. Were not those meetings and those subscriptions got up for the purpose of opposing schools established by the landlords in the neighbourhood?—The schools established by the landlords in the neighbourhood in fact had ceased to be attended; they had ceased to be the subject of public notice. In 1831 other schools had been established; not liking the system, the children had been withdrawn to new schools established principally under the auspices of the Catholic clergy.

6030. You are aware that the county in 1830 was then supposed to be in so peaceable a state, that an application was made to remove Colonel O'Donoghue, as being no longer necessary to the peace of the county?—I am aware that the county was restored to perfect peace in 1830, and there was an application made to get rid of Colonel O'Donoghue and a portion of the constabulary force.

6031. What was the result of that application?—I am not aware they made any formal application, nor did I join in any formal application; there was no disposition shown to ask the mere landholders of the county to join in that application.

6032. Shortly after that application was made, the county assumed the appearance of turbulence and agitation, did it not?—I am not aware that it did; I should say that it did not; there was no meeting in the Queen's County. In 1830, after the change of Ministry, shortly after the second arrival of Lord Anglesey in Ireland, I was applied to to join in a requisition for a county meeting for the repeal of the Union, and for the purpose of calling the attention of Parliament to the destitute state of the people of the country. I think there were three objects in the requisition; the requisition was subsequently agreed to.

6033. Was reform a third object?—Yes.

6034. Was there any thing concerning tithes?—No. I declined to take any part in convening that meeting in November and December 1830. I was very much urged to take a part in it, and I always said, "It is better to let the new Ministers have fair play; see what they will do themselves; I think it is better not to enter into any discussion of this nature for a time." The Leinster Declaration was then distributed through the country, and it caused a vast deal of excitement and a great desire to express a dissent from that Declaration, but I still declined, through the latter months of 1831, to join in any meeting for the repeal of the Union; but I promised those persons with whom I had been in the habit of acting, that if Government did not evince some disposition to *practically* serve Ireland, that at a future period I would join in a call to discuss the propriety of seeking for a repeal of the Union. In January I considered that Government had not done any thing to justify me in withholding my co-operation for such an object, and they had done much to lose the favourable opinion of them entertained by the Irish people; I therefore willingly signed a requisition, and circulated that requisition through a great many of my friends, and a meeting for the three purposes named, reform, repeal of the legislative Union, and to consider means to benefit the condition of the people, was held at Maryborough on the 10th of February 1831.

6035. Did the high sheriff preside?—He did.

6036. Are you not of opinion that the period of three months, in the state in which the Ministry found England, was too short a time for them to bring forward measures of so complicated a nature as those must have been for the relief of the distressed state of Ireland?—Yes; but at the same time whatever was done I saw was clearly done with a different feeling towards Ireland from any thing that had been done for England, and it was particularly so in the Government appointments in Ireland. What clearly decided me in calling that meeting was, the calling out of the yeomanry by the Irish Government of that day, and the appointment of law officers known to hold different opinions from what are called liberal feelings in Ireland; and that apparently an unvaried policy was to be pursued in Ireland, whilst a change for the better was made in England.

6037. Were any strong opinions expressed or language used at that meeting likely to excite the minds of the lower orders to disturbance?—I consider that the effect of the meeting was more likely to promote order than excite disturbance.

6038. Were not there inflammatory speeches made at that meeting?—There was no inflammatory speech that I am aware of made at the meeting.

6039. What was the first appearance of disturbance in the county after that meeting?—As to the county at large I cannot state it to you; but there was no appearance

appearance of disturbance in our neighbourhood until the latter end of May or the beginning of June.

6040. What year?—1831.

6041. How did those disturbances first show themselves in your neighbourhood?—They first showed themselves by attacking persons supposed to have voted for certain candidates, contrary to the wishes of the people, at the election.

6042. When was the election held?—In May 1831.

6043. When did these attacks take place?—Some of them shortly after the election; I think there was an attack immediately after, on the borders of Mr. Gentan's estate, part of a house burnt. I think that was the first Queen's County meeting in 1831.

6044. What reason have you to suppose that house was burnt in consequence of the occupant of it having voted for one of the present Members?—I have no reason to know it; I have some reason to doubt that it was a malicious burning at all.

6045. Did the man whose house was burned vote at the election?—He did not.

6046. Is it true that after the election placards were printed and published, pointing out to the indignation of the people those who voted for the present Members, or not?—I am sorry that I have not one of the sheets; there were lists of persons who had voted for the three candidates; and I perfectly recollect that the supporters of one of them were distinctly pointed out as persons who supported the system of corrupt representation and oppressive burthens.

6047. Were there any suggestions at the bottom of that paper directing the people to treat ill those who voted in a particular way, and to treat particularly well those who voted for the popular candidates?—I saw nothing of the kind.

6048. What was the object in publishing those placards?—That the country at large should know those who were reformers from those who were not reformers.

6049. Then it was intended to hold up to the public odium those who voted in a manner different from what is called the people?—If such was the public opinion, the publication of the names must have had that effect.

6050. Was it with that view it was published?—I cannot tell the view.

6051. From your knowledge of the people of the country, what is your opinion upon that subject?—I can only speak from my feeling on the subject; I would not think so well of a man who had been voting contrary to what I thought to be his own feeling, as well as for the interest of the public, as the man who acted as he believed best for his neighbours.

6052. Were those placards circulated with a view of intimidating those people or holding them up to public odium?—Certainly not of intimidating; I conceive that they were circulated in the same manner and for the same object that the divisions in the House of Commons are circulated.

6053. Are you aware, at the Dublin election and other elections, it is customary, at the end of each day's poll, to distribute a sheet marking after each man's name how he voted?—I am aware of it.

6054. Do you conceive that it is done for the purpose of holding up to the public odium those who voted for the popular candidate on that occasion?—My opinion is, it is for the purpose of assisting the canvass of the friends of each candidate. I know the object I had in recommending the publication of the names of the Queen's County electors, and to get them done as soon as possible, was that those who had not yet voted might be urged forward without the necessity of a personal canvass.

6055. And it was not with the view of deterring persons from voting as they wished, and compelling them by popular influence to vote contrary to their landlords?—I cannot tell you what effect it might have had upon other persons; I merely look upon it as a legitimate use of publicity to let people know who have voted, how they have voted, and who were still to vote.

6056. And not with the view of persons who voted contrary to public opinion receiving injury in any way, or subject to public odium?—I should be sorry to conceive that they received personal injury or insult for voting as electors judged right.

6057. Did any person receive injury or insult at the election for Queen's County?—I am not aware there was any outrage committed upon the voters at the election.

6058. Was there any threat of exclusive dealing held out to those who voted

R. Cassidy, Esq.

13 July 1832.

contrary to the wish of the people?—I think it is very probable that if the persons considered it a likely way to carry their point, they would do it.

6059. Did they do it?—I believe that they did not.

6060. Do you think there would be any possibility of forming an association, at the present moment, that would be useful for the preservation of the peace?—I am quite satisfied it is the only way in which the tranquillity of the country can be preserved.

6061. Are you aware that a number of those placards are treasured up to be made use of at a future election?—I possess a dozen or two of them myself, in the event of a future election, as a registry of votes upon the list, and whether there are more of them kept for that or any other purpose through the county I am not aware of. I have both the poll-books and those printed returns, for the purpose of being used as the means of information upon another election.

6062. Do you recollect the heading of those placards?—Not accurately.

6063. Since the period of 1831 have you been in the habit of attending those county meetings?—Several.

6064. Then several have been held?—Yes.

6065. What is the tenor of the speeches which the people, known as agitators, were in the habit of making?—Complaining bitterly that their case had not been considered, that admitted evils were allowed to continue, that the system of high rents, increased taxes and tithes, were without change, and that the people really had no advantage from the measure of relief that had been conceded in 1829, and that now was the time to press upon the attention of the Legislature for some more extended measure of redress.

6066. Have you ever addressed any of those meetings yourself?—Many.

6067. Has the tendency of your addresses been of an inflammatory or conciliatory character?—I consider invariably conciliatory, always urging upon the people the necessity and the policy of preserving the most perfect obedience to the laws.

6068. Do you consider passive resistance, as it is termed in Ireland, is obedience to the law?—Passive resistance is a phrase I do not exactly understand; I consider, as to what it is applied to (tithes), I have a right to withhold VOLUNTARY payment of that or any demand made upon me, and to let the law take its course.

6069. At those meetings have the persons called agitators been in the habit of recommending the people not to aid in the execution of the law, even to the extent of purchasing property seized for rent or tithes, or anything else?—Such addresses have been made regarding distresses for tithe, but not for rent.

6070. And the people have acted upon the advice so given?—Whether they have acted upon that advice so given, or their own disposition, I have not sufficient knowledge to state.

6071. But the result has been that they have evaded the payment in the way stated, and in a manner called passive resistance?—The first notice I had ever heard of a general disposition not to pay tithe, the cause (I presume it is that particular question that the question alludes to) was at a meeting held at Maryborough in February in 1831: the person who gave that advice urged in as strong a manner as he could, and stated his reasons for it; and from what I find followed in February 1831, I am quite satisfied, had not other political decisions occurred, it would not be so general in Ireland at this moment.

6072. Were those inflammatory addresses of the agitators confined to opposition to tithe, or were they directed against those landlords who were said to have dispossessed their tenants, or other imaginary or real grievances?—I do not admit there had been any inflammatory speeches of that kind made in the Queen's County; and with respect to holding up landlords and others who had evicted their tenants, or who had oppressed them for their votes, I speak in the recollection of those who will bear me out in saying I urged at the close of the Queen's County election that landlords should allow their tenants toleration in their political opinions, and that no measures should be taken to punish those who acted in opposition to their landlord's desire; and I believe I warned them that a bad system would be the result if it was persevered in.

6073. You warned the landlords?—Yes; I believe Sir Charles Coote will recollect I gave the example of Clare. On the first day of the Queen's County election I had been apprised from a great many that threats had been held out that arrears would be enforced, that evictions would take place; and in the hope

of preventing such a result, I thought I was acting rightly in warning the landlords not to pursue such a course.

6074. You stated that a bad system would be the result, if the landlords exercised too rigidly the authority they possessed, calling in arrears of rent, and so forth; did you give that notice from your own knowledge of what would be the result, or taking as an example the county of Clare?—I had previously obtained what I consider a very accurate account of the causes that led to the melancholy state of Clare, and I found it was the separation between landlord and tenant, and consequent alienation: I naturally considered a like cause would produce a like effect, and therefore I warned the landlords of the Queen's County to avoid so bad an example.

6075. Was that warning grounded upon any knowledge you possessed of the intention of the people in Queen's County?—Decidedly from the knowledge of Clare, and not from any knowledge of the Queen's County.

6076. Do you think it unreasonable, generally speaking, that landlords should expect their tenants to support them politically?—Yes, I do, where they differ in opinion.

6077. Were there not threats of exclusive dealing held out, on the other part, to persons who attempted to vote in a way they perhaps might not have wished them to have done?—I am not aware that threats were held out; but I think it very likely that the result would be that exclusive dealing would follow where people had gone against the popular opinion.

6078. To conclude this subject, which does not immediately bear upon the question before us, I suppose at the election for the Queen's County every stragem and means were resorted to by the respective parties to serve the candidate whose interest they advocated?—I think it very likely.

6079. Did not the alienation of the tenants from their landlords commence by their voting against their landlords, and not by the landlords enforcing any arrears; was not that the commencement of it?—I have heard that the landlords wished to support one candidate, and the tenants wished to support another; that the landlords, where the tenants had supported their own choice, had followed it up by looking for the immediate payment of the rent, and by evictions where they had the power.

6080. Then it was the conduct of the tenant that led to that conduct on the part of the landlord?—The tenants exercising their political rights led to that conduct on the part of the landlords.

6081. You have stated that you conceived the plan of associations, either parochially or upon town-lands, would be the most effectual mode of preserving permanent tranquillity; are you aware that Mr. Smyth, whom you have stated to have objected to the plan proposed by the magistrates in June 1831, himself proposed a plan nearly similar to that, and distributed copies of it; what is your opinion of that plan?—I have not seen any printed plan of Mr. Smyth's suggestions, but I am quite satisfied that some association of the kind on a very broad base will, as I said before, be the only means of restoring peace and good order in the Queen's County.

6082. Would you have the goodness to state what you saw objectionable in the plan proposed by the magistrates, and what amendment upon that it is you would recommend?—I have the resolutions of the magistrates, and I think I have marked on them such parts as I object to. These resolutions, in the first place, give the sole power to the magistracy, both of the selection and the command of that force, and the magistrates alone can either recommend or have any control in the conduct of it: now to that, as I said before, in my own district I distinctly declined being subjected. I would recommend, where magistrates have not the co-operation of the people, that such associations should not be confined to any particular class, but that the head of every family who was willing to enrol himself in a volunteer association, and enter his name as a volunteer for it, should be comprised in it; that those persons should be distinctly apprised upon joining the association that their services would be required for the sole purpose of keeping their own districts free from outrage; that a certain number of them should be at certain houses, taking it in rotation, to keep watch through the night, and to prevent the passing of strangers, or to prevent the escape of any others who might break the peace; that this force should be under the command of an individual, whether in the commission or not, as might appear most likely to be efficient and active. This person should, in the first instance, be selected by the individuals

A. Cassidy, Esq.

12 July 1832.

themselves, and approved of either by the lord lieutenant of the county, or the Lord Lieutenant of Ireland, whichever might be deemed most convenient. I would be sorry, in the first instance, though there is a very great weight of opinion against me, to arm those people, as I feel convinced that arms would not be necessary, if the volunteer associations became general.

6083. You would not arm them?—Not in the first instance; I am quite satisfied that an organization without arms would be sufficient to protect person and property.

6084. It would be a sort of national guard without arms?—A sort of local guard; and certain houses in certain districts should be named as places where five or six of those volunteers should meet every night, that those persons being together in a kind of guard-room through the night, one would be awake throughout, and in the event of any outrage the adjoining station could communicate with this, and so hunt down any offenders that came into the country and committed an outrage. I am quite satisfied that this system in itself would prevent the interference of strangers, and that the well-disposed portion of the community being so much more numerous than the ill-disposed portion of it, would effectually check their movements, and put down crime.

6085. Would you not have some central position as a dépôt for arms?—I have mentioned that I would be sorry to have arms as a part of the system at first; I think that the very combination of the numbers who are well disposed being so much greater than the number of ill-disposed, that the very knowledge of their own strength would render arms unnecessary.

6086. Would it not be advisable to have a dépôt of arms, if not in every parish, at least in certain districts, to which they might refer, if thought necessary by the civil authority?—Yes, I think that would be a very wise reserve.

6087. Then, in point of fact, we are to understand that those individuals enrolling themselves should have no qualification except that of property, that they should be respectable by their property?—No; I should be sorry to exclude any man of good character who had a desire to come forward and enrol himself.

6088. Would you oblige them to take an oath?—I think we are too familiar with oath-taking in Ireland.

6089. Do you not think the best security for the conduct of the individual is the interest he has at stake, and that the qualification of property would be the best security?—My experience teaches me that the owner of a rood of ground is as anxious for it as the owner of 1,000 acres; that he feels as interested in the protection of his small portion as the owner of a large estate.

6090. Would it be practicable to have a dépôt of arms at the nearest police station, to which in case of necessity those watchmen might apply?—Yes; I think it might be a wise reserve, certainly, to give those watchmen the power to call out the constables, and get the advantage of arms for themselves.

6091. Then you would merely have a number of watchmen watching at night over the quiet of the parish or town's land, and in case of disturbance alarming the nearest police station, and getting arms there, supposing arms were in dépôt at such a station?—I conceive that they might in many instances take into custody the offenders themselves, because arms I conceive applies to fire-arms, which I had rather not see in the hands of persons not accustomed to their daily use.

6092. From your knowledge of the Queen's County, do you think it would be practicable at the present day to form such an association, and do you think that the Catholic clergy and the farming interests would come forward upon the principles you have stated?—My own opinion is that, and I have confirmed it by taking the opinions in every instance of others on this subject. I have spoken to several heads of families, whom I looked upon as desirable to join in such an association, and I do not think I met with one who was not most anxious to come forward for such an object, and they all urged the necessity of doing so. Amongst the small farmers and the labouring class, this feeling was general. I also took the opinion of a person whom I knew to be very well qualified to give the best advice; it may not be necessary to give the name; I can do so if it is wished.

6093. You had better state the name?—It is the Roman-catholic Bishop of Kildare, Dr. Doyle. I have communicated with him upon the subject; and his answer to me was, "I have no doubt that the union of the sound part of the people gifted with moral courage would effect all that is desired; but I would not recommend anything short of an efficient organization; less might have done six months ago. I would organize them, swear them in as special constables, excepting publicly

publicly at the same time to incurring any obligation to assist in the levy of tithes or church cess." The same authority states, on the 20th May 1832: "The combinations are at this moment giving way, if not being dissolved, in many districts of the county. The means you contemplate, if carried into effect, will give an additional shock, even if you fail in the chief object. The leading the farmers into such resolutions will be of great value." Thus Dr. Doyle gives his sanction to the practical part of what I suggest, and he recommends that the organization and arming should be more complete than I deem necessary in the first instance.

6094. Then the Committee are to understand, in consequence of the communication you have had with Dr. Doyle, the Roman-catholic Bishop of Kildare, which you have stated to the Committee, that you conceive he approves of this scheme of association you have submitted to the Committee?—Decidedly, and he has urged that the well-disposed portion of the community should co-operate for such an object.

6095. Is it not the fact that the plan of association proposed by the magistrates in June 1831, failed principally in consequence of the ignorance of the land occupier as to how far he might be called upon, under the orders of the magistrates, to enforce the collection of tithes, and do other duties which he did not think such an association ought to be made applicable to?—I think it failed very much from that; but I think there was a stronger ground on which it failed than even that want of knowledge. Previous to the meeting of the 10th of June, I had a communication, and was advised that such a meeting was to be held. It was expected that the resolutions proposed to that meeting at Maryborough would have been of a very different nature from those I now hold in my hand; it was expected that a recommendation would be given to improve the condition of the people of the country; and I think I can shortly state the feelings that it was supposed would be prevalent at that meeting; I am satisfied if such feelings had been expressed, there would have been no reason to apply for further powers since. Dr. Doyle stated to me by letter: "I have lately availed myself of such useful opportunities as occurred to me, to express my opinions of the system of Government, and of the magistracy, in the admission, management and employment of the Orange police. I have expressed my opinion, that if the magistracy was purified by large reductions, if no police, except a few to support in the execution of ordinary duties, the sons of such farmers as would volunteer and be approved of by Government for such a purpose, it would prove a considerable preservative of the public peace."

"These are my deliberate views: they imply, it is true, that tyranny should not be sustained by military force; that men should not die of hunger in the midst of plenty, and that no man should be compelled at the point of the bayonet to build churches which he does not enter, and support with his property a religion in which he does not believe."

"On yesterday Colonel Rochfort (on his return from Dublin, where he met at Mr. Stanley's office a few of the gentlemen of the Queen's County) called on me previous to his attending the meeting of magistrates to be held on to-morrow. He mentioned that the legal power of swearing special constables had ceased, but that Mr. Stanley had approved of enrolling, for the preservation of the peace, the description of persons mentioned above, and that he would, if embodied, issue arms to them (the use of fire-arms or deadly weapons in the hands of constables or police, I always and in all cases disapprove of); and he also mentioned the moderate sentiments expressed by the Queen's County gentlemen in Dublin, as well as his own conviction that the people should be *conciliated*, and not subdued by force or terror."

"Colonel Rochfort mentioned your name as a person to be consulted, and I write to you that if you approve of my views, you may use them with those of your acquaintance who may hesitate as to what course should be now taken. If moderate measures be adopted, I think it right to support them; if force and terror be resorted to, I shall sit silent to witness and deplore the result."

6096. You have stated that the public expected more from that meeting of magistrates, and that they were disappointed; will you state what they expected, and in what they were disappointed?—They expected, in the first instance, that the admitted state of suffering in which the people were would have been stated as some palliation of the outrages that had been committed in the country, and which called for some measure of relief which would enable the people, either by a system of poor-laws or a labour-rate, or some such measure which would practically serve them and avert periodic starvation.

6097. You have stated your views as to the mode of forming this association;

R. Cassidy, Esq.

13 July 1832.

are you aware that an application was made to the lord lieutenant of the county, previous to the meeting of the last commission, and can you inform the Committee what answer was given to that application; what took place about it?—I have heard that some of the clergy, feeling the state of the country required their temporal interposition, and that the measures resorted to were not likely to restore peace, waited upon Lord De Vesci to tender their co-operation and assistance; I have not heard that any answer was given to that application so made by the clergy.

6098. Is it fair to ask you whether you possess property in the Queen's County sufficient to qualify you as a grand juror?—Perfectly fair, and I shall answer you very candidly; I do not consider that I have, as I have but trifling property in the Queen's County.

6099. You have stated just now, that you did not consider the magistrates in your neighbourhood to be fit persons to be entrusted with the selection and formation of this volunteer association?—I gave my opinion that they were not persons in whom I have that confidence which would lead me to place myself under their orders.

6100. And you stated that you thought all persons in the country of good character, and fit, ought to be enrolled; who are to be the judges of their character and fitness, if the magistrates are not?—I consider there are a great many tribunals for character besides magistrates: there are the persons to join with them, if you have no other means.

6101. That does not state who you would recommend in the stead of the magistrates?—If you have no other, the very members of the association themselves ought to have the power of sending any person of bad character from amongst them.

6102. Then your plan would go to embrace the whole of the community at large, with a power of purifying themselves of the black sheep?—I think it would be both a practicable and wise course to adopt in the Queen's County at this moment.

6103. Then the whole community are fit judges, except the magistrates?—No, I do not say that.

6104. Do you not think that the landlord or the agent is the best judge of the character and capability of a tenant for this purpose?—The landlord and agent ought to be very good judges.

6105. Do you think that the object you have in view could be attained by the parish proposing a certain number of persons from the inhabitants of the parish, and that from this number of persons the magistrates should be allowed to select a sufficient number to act as the members of the association in the parish?—I do conceive that the magistrates of the county at large would be the proper tribunal to select from persons so named by their neighbours, and that cause should be assigned where any person was struck off the list.

6106. There being a want of confidence in the magistrates, do you believe that any association of the nature described would be likely to meet with co-operation and assistance from the magistrates?—I think that the magistrates, as a body, have evinced a decided objection to co-operate with the people to preserve the peace of the county on these plans.

6107. There being a difference of opinion, do you believe that an association of that nature would be useful?—Yes; I still think such an association would be useful.

Lunæ, 16^a die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART. IN THE CHAIR.

Robert Cassidy, Esq., called in; and farther Examined.

R. Cassidy, Esq.

16 July 1832.

6108. WHAT is the present state of the county according to the last accounts you have received?—The last account I have received is most satisfactory; I received a Letter on Saturday morning stating, "the county is certainly becoming peaceable; I attribute part, and a very small part, to the late commission; the principal causes I take to be, that the spirit of insubordination, like every other epidemic, has taken its course, and has become spent; they have become tired of the

the system; and also the energetic measures taken by Dr. Doyle, in pouring the severe censures of the church against those unfortunate and misguided people. From all those combined causes they are becoming quiet; like a man recovered from a severe fever, they are quite exhausted; that will, I hope, tend to suppress this vagabond system." From other accounts, I am inclined to think that is a tolerably accurate representation of the interior of the Queen's County.

6109. Have many arms been given up?—Some arms were given up in the neighbourhood in which I reside before I left Ireland, and there was a promise held out that a further giving up of arms would take place.

6110. What is your opinion of this state of quiet continuing?—I think it will entirely depend, and *must entirely depend*, upon legislative measures to better the condition of the people being speedily enacted. The present quiet may continue until either some political or great local cause brings the people again to think of their condition, and to impress more actively upon them the feeling that nothing has been done to amend their state.

6111. You think they will continue in such a state that they will be ready to break out again upon any strong exciting cause arising upon political events?—I conceive that men in their condition, who have nothing to lose and every thing to gain, must be always looking for a change, and ready to assist in any measure that holds out to them such a change as would be useful to themselves.

6112. Do you refer to the whole labouring class, or do you make any distinction?—I look upon it, that the portion of the labouring class who have constant employment and fair treatment are not engaged to any extent in the outrages; a great deal of it is done by the young men of the country, and by those who are in the habit of being hired by the small farmers as their servants, or boys as they are called.

6113. They produce as it were an appearance of support to the rest, by their system of intimidation?—I conceive that the regular labourers, and those who do not wish to join in any outrage, get this class of turbulent young people to serve notices on the well-disposed; and that those notices either really intimidate, or form a very good excuse for the others not to work under certain rates of wages, and gives an excuse for avoiding what is pressed upon them against their interest or liking by employers, &c.

6114. In the letter you have just read, the system is called a vagabond system; is that a correct description of it?—I do not say it is exactly the description that I would perhaps give it myself, but it is not only a vagabond but an atrocious system.

6115. But the expression vagabond goes to exclude every thing like the industrious labourers or small farmers?—I think, if there are any such in it, they form a very small proportion.

6116. Does it occur to you that it is necessary to make any alteration in the law, with a view to prevent the revival of this system, or the suppression of it if again revived?—I consider that no law that you can make will add to the powers that there are under the existing laws; laws have invariably as they became stronger produced an increase of crime instead of diminution; and therefore I would rather see the laws less severe than additional coercive laws added to the statute book; and that is the alteration I am inclined to recommend.

6117. It has been stated to the Committee, that the farmers of the country have wished for some new law to allow of associations, so as to make nightly patrols and visits, for the purpose of keeping their sons and their servants at home; do you think there is any good reason for making such a law?—The system of associations which I detailed on Friday, if carried into effect, would in my mind totally preclude the necessity of any such law as a law to give power to search houses, or to look whether people were in their houses or absent.

6118. You have stated that the late special commission has not produced any effects such as were expected from it?—I conceive the late special commission has not either increased the respect for the proper administration of the laws, nor has it created any dread of the power of the law.

6119. From what circumstances upon the commission do you draw that conclusion?—The selection of jurors was very much complained of; I attended the early part of the commission myself, and the selection of jurors gave, and justly gave, great dissatisfaction to the prisoners tried, and to the people at large.

6120. Is this the only instance in which there has been this partial selection of jurors

R. Condy, Esq.

16 July 1831.

jurors in the Queen's County?—It has been more remarkable at the special commission than at any assizes in the recollection of myself or those I have been in the habit of speaking to on the subject.

6121. Did you ever hear of witnesses being tampered with before being produced on the trials in court?—A very striking instance of that kind occurred in my own neighbourhood. There was a number of men arrested for a Whiteboy offence; those men entered upon their defence an *alibi*, in the presence of the magistrates, the day following the outrage; the depositions were taken down, and the witnesses to whom they referred as capable of proving their absence from the scene of outrage were called before Mr. Singleton, the stipendiary magistrate of Stradbally, and the bench of magistrates; they were examined as to the truth of the statement made by the prisoners.

6122. Previous to the trial?—Yes, previous to the trial, and that statement was not produced at the trial; the defence was gone into, and the depositions that were taken before the magistrates were not brought forward in court, and I have heard were made use of on the cross-examination of the defence for the traversers.

6123. Can you recollect any other instances of a similar kind?—In the Queen's County I do not; but those kind of circumstances fly with a rapidity that any person acquainted with Ireland will very soon understand. I am aware of a case in the county of Meath, at the Trim assizes. A girl being brought up to identify a man charged with burning her father's house, that person was introduced in the presence of two magistrates by the Crown solicitor; the circumstances were detailed by her, and she was then asked if she had not been convicted some time previous for shoplifting, or some such crime, and she positively denied it.

6124. Were you present?—I was not, but I hold myself responsible for the accuracy of this statement. She absolutely denied that fact; it was stated to her if she was detected in a falsehood of that kind the whole of her evidence would go for nothing. The trial proceeded, and on the cross-examination she was asked the question, and admitted she had been tried for shoplifting, and convicted at the commission in Dublin. The previous examination was mentioned, and was very much spoken of as having been an arranged matter to obtain credit for this witness and to convict the prisoner, who was eventually executed.

6125. Were those circumstances generally known to the lower classes in the county?—They are very generally known.

6126. What impression do they produce on the lower classes?—That when they were arraigned for any charge, that the power of the law was so great they were sure to be convicted.

6127. Are you aware that the property of that person to whom you have alluded has been again burnt since the man was hanged for the former burning?—I cannot charge my memory with saying I know that the property of her father has again been burnt. I think I have heard that the father was obliged to leave the country and go to America.

6128. What is the opinion entertained by the people of the decisions at petty sessions by the assistant barrister; do they consider him generally an impartial magistrate?—Wishing to give evidence of a general nature, I do find that it is unpleasant to be giving particular names and instances, and if not desired by the Committee, I would rather state my general impressions, and where the Committee have a doubt, I will give the name and the circumstances. The general impression in the country (and whether capable of proof or otherwise, it is that general impression which renders law respected or distrusted) is, that assistant barristers are frequently men much prejudiced, and not being very able men, are governed by persons of their own class; that in such cases the punishments and the decisions are in some degree awarded from partial feelings or political prejudice.

6129. Did any cases occur under your observation that would go to justify this general impression?—In a criminal instance they have not; but I seldom attend the quarter sessions.

6130. In the instance you have mentioned of the examination at the petty session of witnesses to prove the guilt of the persons charged with Whiteboy offences, do you recollect whether the prisoners, upon the first instance, and of their own accord, mentioned who the witnesses were, or were they examined as to that fact by the persons before whom they were brought?—The prisoners, in the instance

instance I have alluded to, gave themselves up to the magistrates, and on their surrender they stated where they had been on the night on which the outrage took place; that communication was sent to the stipendiary magistrate at Stradally, and the persons in whose houses these men stated that they had spent the night were examined, and their sworn depositions taken by Mr. Singleton, and, as is said, forwarded to the Crown solicitor.

6131. Were those witnesses afterwards examined upon the trial of these men?—They were examined for the defence.

6132. You have stated that the general impression entertained in the county of the assistant barristers is, that they are partial; do you think that that would be in some degree corrected by removing the assistant barristers from one county to another, in the same way that they remove judges to different circuits?—It might be partially remedied; but if an assistant barrister has a political bias, he will have the same on the first coming into a county, as upon the second or third circuit.

6133. You think that the bias is not one arising from local prejudices, but from a general political feeling against a particular class of persons?—That is the prevalent opinion of the people who most frequently come under their jurisdiction.

6134. What remedy would you suggest for it?—The remedy would be, to make the situation of the assistant barrister of such value that the most respectable and the most efficient lawyers would think it worth their while to perform its duties.

6135. Are the magistrates of the county considered generally in their decisions impartial?—I think not, and the prevalent feeling is that they are not.

6136. Is that justified by any circumstances you are aware of?—I do not wish to enter into minute detail, but there are facts which justify me in saying there has been partiality.

6137. What are those facts?—I am aware of one circumstance under the Licensing Act, where, on the change of the law, a man's house was not deemed quite sufficient; he was promised his licence at the next licensing sessions, provided he made the required changes; he applied the next year, and having in the interim been convicted of an assault for which the magistrates fined him either 1s. or 5s., he was refused his licence at the petty sessions; the man appealed to the quarter sessions; his good character was very fully borne out by the testimony of his neighbours, and I think out of 20 magistrates who attended, two only decided that the man ought to have the licence, the majority declaring that the decision of the local magistrates should be supported.

6138. Has it not been usual for the magistrates to communicate directly with the Lord Lieutenant of Ireland?—That was one of the evils which it was hoped that the appointment of Lord Lieutenants would get rid of, but from what came out on the discussion brought on by Mr. O'Ferrall, the local magistrates still have an opportunity of communicating directly with the Lord Lieutenant's Secretary, and without the knowledge of the lord lieutenant of the county.

6139. Are there any facts that have come to your knowledge that lead you to that conclusion?—Yes; I am quite satisfied troops were sent into Monastereven without the knowledge of the lord lieutenant of the county, or the deputy lieutenant, who resides in the immediate vicinity, as well as without the knowledge of some of the justices residing in Monastereven.

6140. Have you any reason to know whether the magistrates generally, or in any instances, have taken the law as stated by the Lord Lieutenant's Secretary, and acted upon his suggestion?—I am not aware, of my own knowledge, that such an interpretation has been acted upon, in direct opposition to statute law.

6141. What is the feeling with regard to the present mode of selecting constables in the county?—The present mode is deemed very reprehensible.

6142. Do the observations you have made respecting the magistrates apply to the whole of the magistracies of the Queen's County, those who reside distant from you, and those who reside near you?—The instance I gave of the 27, I thought was a fair instance of it, and therefore I mentioned it.

6143. Where did that take place?—Stradally quarter sessions.

6144. Are you acquainted with the proceedings of the magistrates in the quarter of the county near you?—I am very little acquainted with the magisterial proceedings in any part of the county, and it is only when a case of particular interest or great partiality becomes the subject of conversation that I hear of it.

R. Cassidy, Esq.

16 July 1831.

6145. You reside at the very edge of the county adjoining the county of Kildare, within half a mile of the boundaries?—Yes.

6146. The greater part of the county itself is not immediately under your observation?—In fact, I know no more of the immediate transactions of the sessions of my own neighbourhood, in ordinary cases, than a person out of the county altogether.

6147. You are not able to speak of the conduct of the magistrates at their sessions at Abbeyleix, or Ossory, or Slievermarigue?—Not generally.

6148. Are you not in the habit of constant communication with persons who live in the Barony of Ossory?—I am; and when any peculiar circumstance, such as alluded to, arises, it is either mentioned for the purpose of endeavoring to procure the means of obtaining legal redress or assistance for any person that may be considered unfairly or harshly treated.

6149. As to the other magistrates, have they not higher qualifications than you; or what is the qualification you consider necessary for a magistrate or a grand juror?—I do not conceive I am qualified in the Queen's County by property to be either grand juror or justice; but if I am asked the qualifications in practice, I am quite satisfied there are many, both on the grand jury and in the commission of the peace, who fall very far short of what is deemed the property qualification.

6150. Do they fall short of the qualification you suppose yourself to possess?—Yes, I think very considerably.

6151. Are there not some who have no land whatever in the county, who are still magistrates and act as grand jurors?—Yes, more than one.

6152. And on the grand jury?—Yes, occasionally on the grand jury.

6153. You stated that the constabulary were considered in general ill selected; is it supposed there is any spirit of favoritism directing the choice of the constabulary?—It is supposed that the selection is generally made from a particular political and religious class.

6154. What do you mean by a particular class?—I call the ascendancy, or Orange class, a particular class.

6155. Have you heard any complaint in the county of Kildare of the manner in which the 35 disabled men were filled up lately?—Yes, very great.

6156. State what the complaints were?—That the 35 situations were filled up by Orangemen from the county of Cavan.

6157. Have you that statement from what you conceive to be good authority?—I had.

6158. There has been no application made, to your knowledge, to the magistrates of the county from the county itself?—I am not aware that there has.

6159. Who exercises the power of sending in constables?—If the magistrates do not do it, the power rests in the inspector-general or the stipendiary magistrate, where there is one, and in Kildare we have, unfortunately, both.

6160. Is not that office frequently delegated to the chief constable of the district?—It may be.

6161. In this instance who filled up these appointments?—That has been done since I left home; the principal part of the new constables are known; but I cannot state the particular persons who selected them.

6162. You cannot say whether the magistrates did it?—I can say that the magistrates generally did not select them.

6163. Are you aware how those Cavan men were filled up; was it the act of the magistrates or the act of the stipendiary officer?—I consider it not the act of the magistrates, but of the stipendiary officer.

6164. Do you conceive, if the vacancies had been filled up by the county magistrates, that it would have been perfectly satisfactory to the people of the county?—I am not so sure of that; if they were filled up by the magistrates generally, or if one hundred names were returned of persons of good character, landholders or freeholders, and magistrates selected from such a class as that, the respect and efficiency of the police force would be very much increased.

6165. Is it a prevalent feeling that the constables are punished for neglect of duty or acting improperly?—The prevalent feeling is that they are not.

6166. Do you know any instances to warrant that feeling?—A very striking instance has been communicated to me, and as it is a recent case in the county of Kildare, and has already been before the Government, it is for the Committee to say whether they wish me to mention it in detail or not.

6167. You

R. Canby, Esq.

16 July 1832.

6167. You can mention it without mentioning names?—It was a branch of the Naas police; the complainant in this case is Hugh Doyle of Osbers Town. He writes to me, and his letter is confirmed by respectable and good authority, which I myself believe, that on the evening of the 21st of May he was returning to Naas; that the police behaved in a very wanton and savage manner to an old woman; that they, without any provocation, pursued her grandson with fixed bayonets, and that they struck the old woman; that those people were subsequently for that very aggravated assault, with arms in their hands, brought before the magistrates and fined a sum of money, but that they still continue in the police. The impression is also very strong in the country that the police are protected, from the circumstance, which perhaps gentlemen in the Committee will recollect; the chief constable tried for the shooting of two individuals in the Queen's County; he was convicted of that crime, and yet this chief constable still retains a similar situation in a distant part of Ireland, I believe in the county of Antrim.

6168. Is it not a common practice in the police, when policemen are punished or convicted of crime in one part of the country to remove those men to a distant county?—I recollect a circumstance of that kind being proved at the quarter sessions of the county of Kildare. A man was dismissed either from the county of Galway or Sligo police for being concerned in a homicide, and being a violent party man; this man was produced as evidence in the case of a riot in Rathangan, and on his cross-examination he admitted he was dismissed from the Connought division of police, and was then a serjeant in the Kildare police.

6169. Have you known any other instances of a similar kind?—I have no instances such as this on my mind now.

6170. Does not the occurrence of such facts as you have stated tend to indispose the people towards the police force in general?—It does.

6171. Have you heard these complaints generally made?—Not generally. I know a district in the King's County where the chief constable is both confided in and respected, so much so, that he very seldom sends out a policeman with a warrant; he sends a notice that he has a warrant, and in general the person against whom that warrant is comes in and surrenders.

6172. Then it is not hostility to the body, but hostility to individuals?—Hostility to individuals.

6173. Do you conceive if the police force were better managed, these objections you have mentioned would be removed, and the police force would be more efficient?—They would be more confided in, and more aided by the people of the country, and thereby more efficient than at present.

6174. Is it not difficult to obtain information at present respecting the commission of any crime?—The people do not like to give any information to the police, nor in any way in which it might be useful to them.

6175. What objection have they to give information to the police?—They do not wish to confide in them. In Ireland there is a prevailing feeling of dislike against an informer; that is a very old and strong feeling; indeed I may state it acquired strength and extension from 1775 to these days.

6176. Are not the police and magistrates obliged to pay for information?—Where they do pay for it, I conceive they very frequently obtain their information from persons who make the crime to enable them to give information.

6177. Do you approve of that system?—I think it is a bad system.

6178. What would you substitute in place of it?—I know of no substitute for private information but removing the cause of complaint that binds the people so strongly together.

6179. Is it a subject of objection, that the police are allowed to go about the country with arms in their hands when they are not in charge or pursuit of any prisoner?—It is.

6180. Have you known instances of danger to the lives of His Majesty's subjects from policemen getting drunk and making an improper use of their arms?—I am not aware of any case that would justify me in saying so.

6181. Do the police patrol the roads sufficiently to protect the public?—The police are said to patrol, but I have hardly ever known them to prevent a crime; I think there are one or two instances, in the whole of the outrages that have occurred in the Queen's County, where the prevention was in consequence of the police being out.

6182. Do you think it would have been safe for one or two policemen, during

R. Canidy, Esq.

16 July 1838.

the state of disturbances in the Queen's County, to go about the county without arms?—I conceive in the worst state of it that a policeman would not be attacked when off duty.

6183. Do you not recollect an instance in which two policemen were attacked and their arms taken from them?—I do not.

6184. The former question referred to counties in a peaceable state, whether it is and has been the practice for the police to carry arms about the country, whether on service or not?—I have met in all parts of Ireland the police singly with mere side arms. A very strong case in point has occurred in the very disturbed part of the county: a dragoon riding from Stradhally to Maidenhead got drunk, he fell off his horse, laid on the road, and the man's arms were taken away and concealed, but they were surrendered the next day without any search; they were brought into Stradhally the following morning, and the man himself taken care of till he was put into the care of other soldiers or the police.

6185. Was there any robbing for arms going on at that time?—Very great; and from persons in that district.

6186. How do you account for their giving up the arms of the dragoon?—The thing had got a check; the very great desire for arms had got a check; there was an anxiety among the people themselves to put a stop to it, and I think the disposition to take arms was subsiding.

6187. Have you heard of any persons traversing the country for the purpose of entrapping men by illegal oaths?—I cannot state a particular fact in answer to the inquiry, but a very strong fact occurred last December in the part of the King's County I have already alluded to. A man, evidently not in want, applied to a farm house for work, and stated he was, as the phrase is in Ireland, under the shade, (that is, he merely wished to keep out of the way); he evidently had money; he applied to two or three farmers, and those men, when they met, mentioned the circumstance to each other, and one of them was deputed by the rest to apprise the police that this suspicious character was in the neighbourhood, and that he should be looked to; the police took the man; he gave his name John Dunn, and stated that he came from the neighbourhood of Mountrath, a place called Rory; the magistrates at petty sessions sent the man back, and a short time afterwards he was in the same county under similar circumstances.

6188. Was it supposed in the country he had any connexion with the constabulary?—The impression was that he was a spy of the constabulary.

6189. There were no facts to prove the suspicion just?—There is a gentleman from the immediate neighbourhood who I understand will be examined, and he is more acquainted with this fact than I am.

6190. What is the feeling in the county of Kildare and Queen's County relative to the management of the grand jury system at present?—In the Queen's County the objections to the system of grand jury levy are very great indeed; in the county of Kildare not so great, but in the Queen's County the complaints have been very prevalent and very general.

6191. From what circumstances have they arisen; how can you account for the difference of feeling between the two counties?—There have been very heavy expenses incurred in the Queen's County; building public institutions, the repairs of roads and making new lines, not supposed to be of great public utility, have added very much to that feeling; high salaries to inefficient and other persons employed.

6192. Then the objections arise from the weight of taxation and the improper application of the taxes, and not to the machinery of the system?—The ground of complaint is the amount of taxation; I am of opinion if the taxation was not heavy the people would care very little as to the manner of selecting the grand juries; but when the tax is heavy they look to the persons composing the grand juries, and they find, in many instances, persons sit on those grand juries who never pay any tax at all, many of them without property in the county, to the exclusion of considerable landowners.

6193. Is it a general subject of remark this system of favouritism or partiality to certain persons in preference to others?—It is very well known that the sheriff always selects his own friends, whether they have equal pretensions or not to others; he has the option, and he serves his friends on such occasions.

6194. Is it not the fact that a number of the grand jury are very constantly the same individuals for a series of years without any interruption; have there not been

been instances of individuals who have sat for a series of years upon grand juries? —There are certain gentlemen at the head of the panel who are always on it.

6195. In point of fact, a permanent body?—Yes; in the Queen's County that permanent body is 10 or 12.

6196. Are they equally divided among the different baronies in the county, or are very few taken from some baronies and many from others?—There have been instances of baronies not having a single person to represent them on the grand jury; the barony in which I live, Portmahinch, has seven on the grand jury, and we are generally the highest taxed barony in the county.

6197. Would it not be a great improvement for the high sheriff to keep what may be called a roster of the freeholders in the county, so as to prevent these same men being constantly on the grand juries?—That would be better than the present system, but far from a good one; the sheriff still has the power of putting a certain class of men on his panel, whether qualified or not, and any system short of a representative system would not be a good one.

6198. You would not elect a judicial body?—Certainly not.

6199. You would have a separate body to administer the financial department? —The combination of the two, in the limited period of the assizes, is known to prevent due consideration of one or the other.

6200. Do you think that people would be more satisfied if the public works of the county were under the control of the general Government, and superintended by a public board for the purpose, than being left to the apportionment of the grand jury?—I am quite satisfied that a local board acting under the control of a general board, would be more satisfactory to the tax-payers of the county, as well as more likely to have the work carried on in a scientific and useful plan.

6201. But this board you speak of you would have elective?—Yes, by the people subject to the tax.

6202. Have the people taken any means to correct the abuses of the grand jury?—The description of farmers who are generally grand jurors at quarter sessions some years ago established what is called a Traverse Society; it required a good deal of support, and there was an application made to several to join in that Traverse Society; amongst others I was applied to, and requested to look over the regulations that they had, and to join them. I considered the society a very good one, and absolutely necessary in the Queen's County; I therefore assisted them in every manner in my power to render the body efficient and effective.

6203. Has it produced the effect anticipated from it, and has it checked this improper expenditure of money by the grand juries?—It has not yet produced all the good effects we expected, but it has checked the outlay of money upon the roads that are not roads of the greatest utility.

6204. Have you heard that any of these outrages in the Queen's County have been attributed to the eviction of tenants?—I have never made inquiries as to the cause without being informed that the eviction of tenants has been stated as the *first* and *powerful* cause of combination amongst the people.

6205. Are you personally acquainted with any instances in which the clearing of lands has produced any disturbance?—In the immediate neighbourhood in which I reside we have not had much clearing of land; there are some instances that bear very strongly upon the clearing of lands. I can furnish the Committee with a case, evincing how closely crime is the consequence of eviction, which occurred some time since, and led to the murder of Mr. Gregory, an attorney, in the colliery district. That case was so completely connected with this feeling I made particular inquiry into it, and I obtained, from the most authentic documents, and from the testimony brought forward in court, the facts of the case which I think are shortly these: Mr. Gregory was an attorney; he was instrumental in obtaining a mortgage upon the lands of Arles and Ballychane, in the Queen's County; a judgment creditor was put into the possession, and a receiver appointed. On the appointment of the receiver, he inquired as to the tenure by which the lands were held, and it turned out that the last proprietor who held the property was a strict tenant for life, but being a distressed man he had at various times taken fines and granted leases; those leases were supposed not to be valid, and notices to quit were served upon the whole tenantry. An application was made through the priest to the then Chancellor, stating that those people, if turned out, could not obtain their necessary securities, or bear the expenses of leases under the Court of Chancery, and going through all the usual expenses. It was then directed that some other means should be taken to re-let the lands. The tenants

R. Connolly, Esq.

16 July 1832.

were aware that the mortgagee was nearly paid up, but however some of them who held out were served with ejectments from the higher courts, as well as by sessions ejectments on several small holders. After a good deal of discussion, it was agreed that the small tenants should be guided by the decision of the superior court as to whether they would try their cases at quarter sessions or not. The trial came on, and it was decided in favour of the estate at Maryborough assizes; the people in the neighbourhood immediately conceived that all the families residing on this land had lost their title, and that Mr. Gregory was running them to an ejectment to get possession of the land himself, and pending that feeling, and the state of outrage in the country, Mr. Gregory was murdered.

6206. What connexion had the priest of the parish with that circumstance?—None whatever.

6207. Did he take the part of any individual about to be ejected?—He did not undertake the legal defence of the persons about to be ejected, but, as stated, he applied to the Lord Chancellor, and obtained what his Lordship deemed useful to the poor tenants, which was perfectly nugatory. The priest interested himself in behalf of a young man, whom he considered to have a claim to the estate, as it was said it had been originally left among five brothers, and this man was the descendant of one of the brothers.

6208. Had the priest any interest in the land?—Not any that I have ever heard of.

6209. Was there any connexion with any member of his family and this party?—I think not, but I am not acquainted with the relatives of either.

6210. Was there any public meeting, previous to this murder, of the persons supposing themselves to be affected?—I am not aware that there was, or that it had been ever made a subject of public notoriety; if it had been, in all probability murder would have been prevented; but it is a long distance from me; in the colliery district. I am not aware of any meeting held immediately before the murder or before the trial.

6211. Was it a matter of notoriety that the priest took an interest in any party likely to be dispossessed?—He took an interest in all the parties likely to be dispossessed, and went to the Chancellor to represent the hardship of their case previous to the trial coming on at all.

6212. Do you conceive that that occurrence was one of the original causes of the disturbance in the colliery district?—No, the disturbance had unfortunately existed before that, but the danger of these tenants being evicted made a kind of rallying point, and induced many others to join with them, thinking that their turn should come next.

6213. Were there subscriptions entered into for the defence of the prisoners at the Maryborough assizes?—There were subscriptions entered into for the defence of the prisoners at the spring assizes of this year, and I think they were collected in a very reprehensible manner.

6214. Was there any subscription entered into for the defence of the prisoners at the special commission?—Not in the same manner as at the assizes; at the assizes the persons of the country were all called on by a kind of circular notice to pay a certain sum, 1*s.* or 6*d.*, and sometimes as high as 2*s.* 6*d.* At the special commission the expenses of the prisoners who were tried were defrayed by individuals who were connected, or who considered it an imperative duty to protect men by legal aid who were supposed innocent, but wretchedly poor.

6215. Did you defray the expenses of any prisoners tried there?—I defrayed the expenses of either two or three.

6216. State to the Committee the circumstances that induced you to take the part of those individuals?—One of them had been in my service as a labourer, and was always a well-conducted and proper man, and the other was actually in my service at the time he was arrested; the third was a mower I was in the habit of employing. An outrage occurred on the night of the 13th of May; on the morning of the 14th I was called upon by a neighbouring magistrate, Mr. Adair, to ask if my men were at their work; I had not been through them at the time, and I requested he would accompany me; we found that two of them were absent. I rode down to ascertain where this man was; he was not at his house, and I then felt satisfied he, although in general a well-conducted and regular man, must have been concerned in the outrage the night before. It was said, or I was told, he had left home to spend the day in a part of the county of Kildare. I rode into the county of Kildare as soon as I could, and mentioned the circumstance to my father,

father, who is a magistrate, and requested him to send the Monastereven police to inquire into the circumstances; on returning I met the second man, Michael Maher, who was absent from his work, and who was not charged with being at the outrage at all; and this man was a man of excellent character, and had been many years in my service. In going home I found the person who was charged, Thomas Delany, in my yard; I challenged him with the guilt, and he at once told me he was innocent, and stated where he had been, which tallied exactly with the report I had heard from the other man: he gave me a reference to the respectable people where he had spent the night, and I then told him he was positively identified, that he was an unfortunate fellow, for in the present state of the county examples would be made of the parties convicted, and if he had any doubt on his mind of being able to prove his innocence, I thought he had a bad chance. He said he was most anxious to give himself up, but he was afraid of being kept so long in goal. I said he ought to give himself up; he said, "My brother, who was there, has the means of escape, and I am inclined to take the same course." I urged him strongly not to do it; that if he was innocent, he was sure to be acquitted. Upon my recommendation he gave himself up to the police; his father, who was cognizant of the whole transaction, sent for the police, and in my presence he gave himself up to the chief constable. I told his father he should have every means to have a legal defence at the trial, and I kept my word with him.

6217. Was he convicted?—Yes, he was.

6218. You stated that his brother was the person that committed the crime?—His brother was, as is stated and believed, the leader of the party, and was identified also.

6219. Was he convicted?—He has not been taken.

6220. Had the person convicted the same opportunity of escape as the person really guilty?—He told me himself he had, and I think there is no doubt he had even a better chance.

6221. He was induced to give himself up on your recommendation?—Yes, to abide his trial.

6222. Did you subscribe for any other persons?—For my own workmen, Thomas Delany, also for a man named Wyer, and a person of the name of Malone; both had been in my service, and one discharged a short time before, but I consider him a man of excellent character.

6223. Were they all convicted?—Yes.

6224. Do you not think it would tend to satisfy the people more if persons charged with offences had the means of a legal defence?—I do; and I saw an unfortunate instance of that at Maryborough: a man capitally indicted declared in court he had no means of making a defence; an attorney and barrister undertook his defence; he was arraigned the next day and convicted.

6225. Was that sort of defence as satisfactory as it would have been if the prisoners had money to select their own counsel?—No; the feeling is, that a man under such circumstances could not explain his case, so as to enable counsel to act for him, and I do not conceive that he was at all prepared to meet the powerful array that the Crown always has to prosecute for them.

6226. Do you think it would tend to the greater satisfaction of the public in the administration of justice if a fund was set apart by the Government from which the counsel could be paid when called upon to defend a man?—It certainly must tend very much to satisfy the people when they are not without the means of defence, and when such a fund as that is available for them; for a man, whether guilty or not, is put to a heavy expense to defend himself, which even when they have been acquitted ruins them for life. I have known many men obliged to sell their cows and their farming stock to pay their legal expenses upon a trial where they have been acquitted, and honourably acquitted, in the end.

6227. Do you attribute any of the outrages in the Queen's County to the agitation that exists about tithes?—I consider, whenever political agitation exists, the description of crimes are not so great or so general as when there is a calm but existing discontent.

6228. You would then say that political agitation is not calculated to produce outrage in the county?—My experience and my opinion lead me to form a contrary opinion; where the people are engaged in political agitation they are less inclined to enter into private cabals, combinations and illegal societies.

6229. Are not those disturbances in the Queen's County in some degree connected with political circumstances?—I conceive not.

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6230. Not

R. Cassidy, Esq.

16 July 1832.

6230. Not even with the abolition of tithes?—I conceive not; I have not been able to trace a connexion between the outrages and the opposition to tithes.

6231. Is the resistance to tithes very general in the Queen's County?—Yes, I think it is.

6232. Is it as general in the parishes where the Composition Act is in force as in the parishes where the tithes are collected on the old system?—I think the opposition is determined in all cases; there is no distinction between the parishes under composition and those not under composition.

6233. Is the parish in which you reside under composition?—The parish in which I reside was one of the first parishes placed under the Composition Act in 1823.

6234. What is the name of that parish?—Lea.

6235. Who is the rector?—He is an absentee, the Rev. Mr. Rawden Green; he is the vicar.

6236. What is the composition per acre?—By the Composition Act, the highest rate is 3s. 3d. Irish currency, for first quality of land; the second 2s. 3d., and the third 1s. 7½d., and the fourth 7½d.

6237. Was that composition entered into voluntarily, or was it carried into effect under the Commissioners?—It was carried into effect under the Commissioners, whose valuation this is, [*producing a copy of the Commissioners' Valuation Returns.*]

6238. Does the composition book you produce state the sum that each landholder is subject to?—No, quite different; this is a public bargain, agreed to between some few of the leading parishioners, the incumbent, the Rev. R. Green, and the lessee of the Dean and Chapter of Kildare, the Dean of Kildare; but there is a private bargain besides. Under the composition agreement and certificate we are subject to 900*l.* a year; really we are only subject to 630*l.* a year; and to guard against a greater sum than 400*l.* instead of 600*l.* being levied, there is a bond of 3,000*l.* executed by the Dean of Kildare, which is conveyed to trustees for the protection of the parishioners against an undue levy by the said Dean of Kildare.

6239. How comes the difference?—It was said the Bishop of Kildare would not allow the parish to be compounded for under 900*l.*; the clergyman considered that was too high, and the parishioners conceived it also too high. Without the Bishop of Kildare's consent no composition could be entered into. This second course was then adopted: a bond was passed to protect the parish from paying more than 630*l.*, though the composition was entered and certified at 900*l.* per annum.

6240. Then the sum in fact paid is the sum agreed upon between the parish and the clergyman?—Yes.

6241. Is the bishop aware of that arrangement?—I think he is, by the petition of the parishioners; copies were sent to him.

6242. Do you think that such a composition as that can be considered legal?—I think not.

6243. Under what clause of the Act could such a bond be passed?—I am not aware.

6244. Did you take any opinion of counsel upon the subject?—No; in that parish I took no part in agreeing to the composition or opposing it.

6245. Do you not think that the composition made under these circumstances, and a bond passed by the bishop sanctioning a sum of 300*l.* beyond the value of the benefice, must be illegal, there being no clause in the Act of Parliament to justify it?—In point of law I am not able to give an opinion.

6246. Was the bond passed with the cognizance of the bishop?—No; the bishop has no knowledge, except what has come out upon the complaint of the parish.

6247. Was the object of the arrangement between the parish and the vicar and lessee to induce the bishop to consent?—Yes.

6248. Are you aware that the bishop must sign the composition and be made acquainted with what takes place in his diocese, and therefore it ought not to be concealed from him?—The legal portion has been adhered to, and he has got a copy of this composition book, the same as I hold in my hand.

6249. There was a secret bargain between the parish and the clergyman?—Yes; between the parish and the Dean of Kildare.

6250. Of which the bishop had no cognizance?—No legal cognizance.

6251. In the Returns made to the House of Commons, specifying the number of

of parishes and the amount of composition, what is the amount stated as to the parish of Lea?—The greater sum, which is false.

6252. Then the Return made to the House of Commons, upon which the table of Mr. Griffiths is founded, is an erroneous Return?—Yes, it is; the greater sum appears upon the tables.

6253. Have you known an instance of any other parish being obliged to pay a larger sum than was originally agreed to by the parishioners?—Yes, I have; and it was pretty much under similar circumstances, but not to the same extent as the parish of Lea.

6254. State the circumstances?—The parish of Athy is held by the Reverend Dean French, an absentee and pluralist; a composition was entered into there, and the parishioners agreed to give 500*l.* per annum; the rector would not take less than 550*l.*, stating that the Archbishop of Dublin refused to sanction a composition under that rate, and the matter remained so for some time; the parishioners either got a communication, or what they understood a communication, that if they agreed to the assessment of 550*l.* that was all the rector would ask; say 500*l.*, and the remaining 50*l.* should be applied to keep the church in repair, and other parochial purposes; that the 50*l.* would do away with the necessity of an assessment to that amount; but the whole sum has been ever since looked for, levied and paid to the incumbent, the Rev. Dean French.

6255. Has the incumbent since that agreement required the payment of 550*l.*?—Yes, he has demanded the whole.

6256. And the parishioners are obliged to pay the church rate as before?—Yes.

6257. Is bog land and plantation ground generally exempt under the Act?—In the parish of Stradbally they are all assessed, in the adjoining parish of Lea they are totally exempt.

6258. To what do you attribute this difference?—It might be from error, but the Commissioners in the parish of Lea have both bog and plantation land of their own.

6259. Do you conceive that any measure which tends to force those persons who have hitherto objected to it to put their land under composition can be satisfactory in Ireland, or can by possibility be enforced?—Totally impossible.

6260. Is it the practice of the Commissioners sent to value grounds to value the land according to the state it is found in, and not according to the intrinsic value of the ground; so that a man who has laid out his capital on a bad piece of ground, and made it comparatively good, would be put in the first class; whereas an idle and bad farmer, who had neglected his land, would be put in the fourth class, thereby imposing a tax upon capital and not upon the ground?—I conceive it is the duty of the Commissioners to value the land in the state in which they find it under view, and they have done so in every instance.

6261. Would not that operate as a tax upon capital?—It will.

6262. Has it been complained of?—Yes; and not only under the Composition Act, but under the Church Vestry Cess Act.

6263. Do you estimate the value of the ground with respect to the quantity of produce of a particular kind it is capable of producing?—Land should be valued in its present state when viewed by the Commissioners.

6264. With respect to the produce?—Yes, with respect to the produce: to illustrate it I would say, I have a piece of ground I have made very rich and very good; the adjoining farm is very bad and unproductive. I am charged the first class, and my next neighbour is charged perhaps in the fourth class, although we originally commenced upon the same class of ground; but I think the law insists upon this mode of valuation.

6265. Do you not conceive, if a measure is now passed to enforce the composition generally in Ireland, it will cause great discontent among the industrious persons who have laid out their capital in the improvement of bad land, and operate beneficially to the negligent farmer, who has reduced good land to a bad state?—It must have that effect.

6266. Therefore it is objectionable?—It is objectionable on that ground; but it is also objectionable on others.

6267. Have the meetings to petition against tithes, that have taken place in your neighbourhood, been attended by Protestants as well as Catholics?—At all the meetings I attended I found Protestants there, and generally taking very prominent stations in the proceedings, going as far in their opposition to the present appropriation of tithes as any Catholic who attended.

6268. Can

R. Candy, Esq.

16 July 1831

6268. Can you state whether the greater proportion of the meetings held in the Queen's County and Kildare have been presided over by Protestants or Catholics?—In my own immediate neighbourhood more have been presided over by Protestants, and Protestant gentlemen generally wished to come forward to take a part, and show it was not a religious question.

6269. Do you conceive they have taken that part from intimidation?—I conceive that they have come forward from the intimidation of being compelled to maintain the present system, which they in general detest, and that they have done it in the hope of altering the present appropriation of tithes.

6270. Is the tithe composition rent now paid in the parish of Lea?—Not a penny.

6271. Have you paid your tithe?—Certainly not.

6272. Who are the Protestant gentlemen you have alluded to?—At a meeting of the parish of Lea, a Mr. Kenny presided; I have some published particulars here; to which meeting do you refer?

6273. The one in your own immediate neighbourhood?—Mr. Kenny presided.

6274. Who is Mr. Kenny?—A gentleman of considerable property holding a large tract of land in the county.

6275. Is he a magistrate?—No.

6276. His brother was?—Yes.

6277. Have you got a copy of the petition of the parish of Lea, agreed to at any of those meetings?—Yes; I have got a copy of one petition agreed to be presented to the House, and I have copies of it in print.

6278. Deliver in one of those copies.

[The Witness delivered in the following Paper:]

RESOLUTIONS, &c.

At a meeting of the parishioners of Lea, held by requisition on the 29th January, the following Resolutions were unanimously agreed to:—

First,—proposed by Robert Cassidy, Esquire, Jamestown; seconded by Mr. Patrick Moore;

Resolved,—That Thomas Lee Kenny, Esq. of Belin do take the Chair.

Second,—proposed by Joseph Wilkinson, Esq.; seconded by James Kelly, Esq.;

That Bernard Fitzpatrick, Esq. be requested to act as secretary of this meeting.

Third,—proposed by Joseph Wilkinson, Esq.; seconded by Mr. Patrick Dunne, Ballycarroll;

That notwithstanding the continued contempt and inattention with which the petitions of the people of Ireland have been uniformly treated by the Imperial Legislature, encouraged by the recommendation of our patriot King, we will again petition the Houses of Lords and Commons for an efficient and prompt remedy for the grievances under which we labour from the effects of the tithe system; a system, the fruitful source of internal discord and distress, a disgrace to the Christian doctrines, and a principal cause of the destitution and misery to which the labouring classes in Ireland are subjected.

The following petition, prepared by a committee, was read by the secretary, Bernard Fitzpatrick, Esq., and submitted for the consideration of the meeting:—

Most humbly sheweth,

That your petitioners, deeply impressed with the necessity of a relief from the oppressive tax of tithes, petitioned your Honourable House in the year 1831, stating the grievances under which they laboured, detailing a transaction connected with the tithes of this parish, neither creditable to the tithe-owners interested, or legal security to the landholders who concurred in an agreement to pay a rate of tithes which the Dean of Kildare undertook by bond not to exact.

Your petitioners stated that the tithes and church lands of this parish were owned by absentees, from whom even the small number professing the doctrines of the Church of England received neither spiritual aid nor instruction; that the religious duties of the parish were performed by a curate hired at a low salary; that consequently the parishioners were taxed to pamper idleness, and to pay those from whom they did not receive any benefit or service.

Your petitioners have seen with sincere regret, that their proposal to verify the statements of abuses at the Bar of your Honourable House was unattended to, and that their petition, as well as the petitions of a majority of the people of Ireland, was treated with inattention and neglect.

Your petitioners take leave respectfully to state to your Honourable House that the

the inattention and neglect with which the petitions of the people of Ireland were treated has been the cause of much dissatisfaction, of a great waste of human life, and an interruption to the social relations of the country.

That, hopeless of redress from the Legislature, the people of Ireland looked to other means of redress from a burdensome tax, levied with every aggravation of oppression and insult on the Catholics and dissenters; and that, in despair of obtaining relief from a House of Commons constituted as your honourable House now is, the people were reluctantly compelled to oppose the payment of tithes by every legal means in their power.

That your petitioners have seen with gratitude and approbation the recommendation of our gracious King, that the Legislature "would remove the present causes of complaints respecting tithes in Ireland" Encouraged by this wise recommendation, we deem it our duty again to address your honourable House with a statement of our grievances.

We deem it unjust and impolitic that the many are taxed for the benefit of the few, and therefore that in Ireland, where the tithes and church lands originally belonged to Christians professing different religious doctrines from the Established Church of England, and where nine-tenths of the population retain the religious faith of their ancestors, it is gross injustice to confer the whole amount of tithes and church lands to Protestant ministers for their private and personal interests.

That such an appropriation of tithes and church lands is contrary to the principles of any Christian church, and at variance with the precept and example of our Divine Redeemer; that tithes and church lands were originally set apart as a provision for the sick, the aged, and the poor; as a provision to erect churches, hospitals and schools for the religious duties, care and instruction of the people; and as a provision for the support and decent maintenance of the clergy devoted to the instruction and spiritual care of their flocks.

That any other appropriation is contrary to the principles of Christianity and of justice, and that the people of Ireland will not willingly concur in such a tax being levied for other purposes.

Your petitioners deem it their duty to call the attention of your honourable House to the trifling sums paid by the established clergy of Ireland in aid of the First Fruit Funds; to the small sums paid by that body in aid of the subscriptions to avert starvation from the people, and to the liberal subscriptions now paid by the dignitaries of that Church in aid of their brethren who have suffered from the opposition of the people to pay tithes.

Your petitioners allude to these subscriptions to show your honourable House that the Church of Ireland is a *corporation* of the worst class; that whilst the poor curates of their own body are, in ordinary cases, compelled to resort to the public treasury to obtain the means of existence; that whilst the poor of Ireland are subject to every physical privation, the clergy did not feel themselves called on to assist in the prevention of either; but when the wealthy rectors are inconvenienced from the opposition and hatred of their parishioners, the bishops are able and willing to minister to their relief.

Your petitioners take leave most respectfully to impress upon your honourable House the necessity of a prompt and efficient reform in the laws respecting tithes in Ireland. The allegations in their former petition, printed in the Journals of your honourable House, your petitioners are able and anxious to prove at the bar of your House, or any Committee competent to inquire into the subject.

By directing a just appropriation of the tithes and church lands in Ireland, your honourable House will best remedy the evils which the present tithe system has generated in Ireland, and thereby promote the general prosperity of the empire.

And your petitioners, as in duty bound, will ever pray.

Fourth,—proposed by Mr. John Tynan; seconded by Mr. Charles Dunne;

That the petitions now read be approved of, signed by the landholders, and forwarded for presentation to the House of Commons by Thomas Wyse, Esq. M.P. for the county of Tipperary, and by James Grattan, Esq. M.P., and to the House of Lords by the Right Hon. Lord Cloncurry.

Fifth,—proposed by Mr. John Moore, Portarlington; seconded by Mr. Thomas Kelly, Fishers-town;

That we most earnestly recommend our fellow-parishioners to continue their peaceable and well-ordered conduct. That any violation of the laws or any breach of the peace will arm their habitual oppressors with increased power and patronage, at the expense of the people, and that we most earnestly entreat them

R. Cassidy, Esq.

16 July 1832.

not to be entrapped by emissaries or designing men to enter into illegal associations or secret societies.

Sixth,—proposed by Mr. John Howard, Portarlington; seconded by Mr. Henry O'Brien, Portarlington;

That we shall use such means as are strictly legal to protect those who, from conscientious motives, are exposed to loss and inconvenience by a refusal voluntarily to pay tithes whilst appropriated to the personal and private use of the clergy of the Church of England,

Seventh,—proposed by Mr. Edward Kelly; seconded by Mr. L. Carroll;

That the resolutions and petitions be published in the *Leinster Express* (Maryborough paper), the *Pilot* and *Comet* (Dublin Papers), and that a Report of the proceedings be printed and circulated in placards.

Thomas L. Kenny, Chairman; Bernard Fitzpatrick, Secretary.

Eighth,—proposed by Robert Cassidy, Esq.; seconded by James Kelly, Esq.;

That Thomas L. Kenny, Esq. do leave the Chair, and that Joseph Wilkinson, Esq. be called thereto.

Mr. Wilkinson having taken the Chair, it was,

Ninth,—proposed by Bernard Fitzpatrick, Esq.; seconded by Mr. Carroll;

That the marked thanks of the parishioners of Lea are hereby given to Thomas L. Kenny, Esq. Belin, for his uniform co-operation with the oppressed landholders of the parish, and for his conduct in the Chair this day.

Joseph Wilkinson, Chairman; Bernard Fitzpatrick, Secretary.

6279. Are you not aware that your land is subject to a tax called tithe?—I am well aware that I took my land subject to a tax called tithe.

6280. Having made that admission, how do you account for not having paid your tithe; and do you think you can justly withhold the payment of such a tax, while you admit you are liable to it, and still hold the land upon which it is chargeable?—I consider myself justified in withholding that tax from the private and personal use of the clergyman who has hitherto enjoyed it; whether right or wrong, it is my conviction that that tithe does not belong exclusively to the clergy, and under that conviction I am determined not to pay it to him for his own private and personal use.

6281. If the produce of tithe were applied to the purposes of its original destination, should you feel an objection to pay tithe, or do you conceive that the objection would be acted on generally?—So far from it, if the appropriation was even prospectively admitted for the poor, I would pay my own tithe; and I am so satisfied of the concurrence of the people with whom I am acquainted, that I would undertake the collection, not only of the growing tithe, but the arrears of tithe, at a very small per centage.

6282. Do you think that that would put an end to the discontent that now exists?—Yes, I do.

6283. Is this a true copy of your answer to the Dean of Kildare?—[*Handing a Paper to the Witness.*]—Yes, it is.

6284. Put it in.

[*The following Paper was delivered in:*]

Jamesstown, Monastereven, 18th Nov. 1831.

MR. ROBERT CASSIDY has had the honour to receive the Dean of Kildare's Circular, of the 14th instant, making application for tithes on behalf of the Dean of Kildare and of the Rev. Rawden Green.

Mr. Robert Cassidy takes leave to submit, for the consideration of the Dean of Kildare, a copy of a petition from the parish of Lea, complaining of very gross abuses in the applotment and application of tithes and charitable donations in the parish.

The circumstances stated in the annexed petition, and the recent conduct of the spiritual Peers in the division in the House of Lords on the Reform Bill, has satisfied Mr. R. C. that voluntary payments to the clergy of the Established Church would sanction a system of profligate immorality, and tend to retard the legislative reform so imperatively necessary to relieve the people of England and of Ireland from their oppressive bardens.

Mr. R. C., under such a conviction, does not consider himself justified to support by VOLUNTARY contributions a system of plunder and corruption at variance with the doctrines inculcated by the meek and charitable Founder of the Christian religion.

Mr. Robert

Mr. Robert Cassidy at the same time takes leave to assure the Dean of Kildare and the Rev. Rawden Green that he does not withhold his tithe from any wish to be relieved from a tax to which the land he holds is subjected; and when the tithes and other church property is allocated to the purposes for which such property was originally set apart by the pious Founder of the Christian religion, viz. the support of the sick, the aged, and the poor, the erection and repairs of churches, hospitals, and schools, and the decent maintenance of the clergy who minister to the spiritual wants of the parishioners committed to their care, Mr. Robert Cassidy will then not only pay with cheerfulness the present amount of tithes chargeable on his lands, but any further sum deemed necessary to attain these important and long neglected objects.

The Dean of Kildare and the Rev. Rawden Green threaten "EXPENSE and TROUBLE." Mr. Robert Cassidy is aware that they have such power from laws enacted by legislators now near dissolution from their unparalleled corruptions and unexampled profligacy. The aid of civil power granted by such legislators is not calculated to prove that the spiritual pastors of the Law Church are altogether actuated in their holy callings by the inspiration of an Holy Spirit, and such an exercise of human power is certainly at variance with the doctrine preached by our Holy Redeemer, who declared "his kingdom was not of this world."

6285. Has any distress been made upon your land for tithe?—Yes, some years ago.

6286. Was there any distress made upon it for any other tax?—Yes, for the county tax.

6287. Did you refuse to pay it?—No.

6288. What was the reason of that distress?—The tax was asked from me, and an old applotment was shown. I refused to pay under it, and a distress was then made. I was bad lawyer enough to suppose that a distress could not be made without a new applotment.

6289. Are you not aware that no money can be levied under a grand jury assessment unless an applotment is made by two sworn applotters under the grand jury?—I am aware if an application is made for an applotment that that is the law.

6290. Is not the high constable bound to apply for a sworn applotment by applotters appointed at a vestry before the levy?—When there is a vestry appointed for that purpose there requires such an applotment before the collector applies for tax; in fact, there is no other claim to ask an applotment from the one or the other landholder.

6291. If money is levied upon an old applotment, is it not subject to great objection by the rate-payers?—Yes, it is open to great fraud.

6292. Was that the ground upon which you refused to pay?—Yes.

6293. What was the result?—In my absence the next day the high constable himself came, and he distrained; he did not satisfy my steward he had a right to distrain, and he refused to let the horse go for a time. The high constable went away with his assistants; the circumstance was mentioned to me, and I at once paid, not only my own county cess, but the county cess of the property adjoining mine, Mr. Delaney's.

6294. Was any fine inflicted upon your labourers for resisting the constable in the discharge of his duty?—Upwards of 20*l*.

6295. Had they committed an assault?—None.

6296. Did you conceive that that exercise of authority by the magistrates was justifiable or not?—I conceived it was in consequence of my opposition to pay tithe, or to check other abuses, and to lessen county cess.

6297. Did you appeal against that decision?—I had no power.

6298. Is there not an appeal against the decision of the magistrates?—Not under the Act regulating the levying of the grand jury cess.

6299. Do you not think that a subject of complaint?—In this instance I considered it a very just ground of complaint.

6300. If that fine had not been imposed under the Grand Jury Act; but under any other Act, do you think you should have had a good ground of appeal against the magistrates?—If I had any appeal I could not have objected to the fine, nor supposed that it had been from personal motives or prejudice on behalf of the magistrates.

6301. Was it your impression you were fined to that heavy amount in consequence of your opposition to the magistrates on other public occasions?—Such was my opinion.

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6302. With

R. Cassidy, Esq.

16 July 1832.

R. Connolly, Esq.

16 July 1832.

6302. With regard to the valuation of land under the Tithe Act, do you conceive it just or satisfactory that land should be valued according to the capital expended on its improvement, or the intrinsic value of the ground?—I think it is the only course you could pursue; you are valuing from the present for the future, and without you value in districts, it would be subject to very great misconstruction and great doubt if you did not take it as it then stood.

6303. A person acquainted with the quality of land, and going to value two farms, one on each side of the road, one being intrinsically worth a small sum, and the other land being worth a comparatively large sum, in consequence of the capital being expended on the bad soil, would you not think it more just that the valuers should value according to the intrinsic value, and not according to the state in which they found it?—I do not, if the possession continues for a certain period; in the case alluded to I think it a hardship upon the good tenant; but a tenant may have come into the land recently, and only continue on it a few years.

6304. In the case of two landlords, one having expended a considerable capital on the improvement of his estate, and the other having expended nothing on the improvement of his estate, is it not very hard upon the landlord who has expended money that his estate should be taxed higher than the landlord who has expended nothing upon his estate, though his land was not of such good quality as the man's who had expended nothing?—It may be a ground of complaint, but I do not see how it could be remedied, or how an individual case could be exempt from the general operation of the Act.

6305. Were you a landowner at the time of the composition?—I was.

6306. Did you oppose it?—I took no part in agreeing to it or opposing it.

6307. How has it affected you?—I pay about 1 s. a year more under the composition than under the view. I had but one year upon the view, and I have been several years since under the Composition Act.

6308. As it has not increased your burden, and has relieved the small tenantry, how do you account for the opposition now made to it by you and others?—The small tenantry conceive that they are subjected to a very heavy rate in the manner in which the poor are supported in Ireland; in fact, in Ireland the poor support the poor; the discussions on the subject have brought the matter home to all those people, that the tithes ought to go to feed the poor, and that thereby they would be relieved from the burden; and they readily believe and listen to those who urge the justice and necessity of such an appropriation. The poor people join the landholders, and that accounts for the great opposition that is now made by those two very important classes to the payment of tithe in Ireland.

6309. Do you not think another ground of the opposition is the payment of the Protestant clergy?—I think that a very secondary object; that is more an aggravation, in consequence of the conduct of the Protestant clergy towards the people.

6310. Do you not think it would be a very considerable relief to the occupiers of land in Ireland, if the support of the Protestant clergy was not to come upon them, but that they were to remain liable only to the support of their own clergy?—It would be a very great relief.

6311. Do you consider, in resisting the payment of tithe, the landlords and landowners do so with a view of getting themselves totally rid of the burthen?—I am quite satisfied neither the landowner nor landlord contemplates the obtaining the tithes for themselves; I have never heard of an instance, even amongst the poorest landowners or the most grasping landlord, where he calculated getting tithe for himself; in the present state of public opinion such an attempt would be absolute lunacy: the poor now know their rights, and expect to enjoy their portion of the tithes.

6312. Is it your opinion, among all the persons you know in Ireland connected with land, there is any one person to be found to purchase the tithes that affect his estates at the price of 16 years' purchase?—I do not think he would get any one to give two years' purchase for tithes at the present moment.

6313. What is the general rate at which tithe property has been sold?—Ten years; I have heard instances of 12.

6314. Then the offer of a landlord to give 16 years' purchase for tithes is no boon whatever?—No, I consider none whatever; a bishop's lease with a renewable clause is a more valuable article in the market than tithes, either ecclesiastical, rectorial, or other tithes.

6315. Can

6315. Can you state to the Committee the causes that have led to the great excitement in the parish of Kilmegue and Rathangan as to tithe?—I can; that district of country was the first place in which Brunswick clubs were first formed, and the acting clergyman of the parish of Rathangan took a very zealous part in the formation of those Brunswick clubs; the meetings were attended by a great number of the people, and they expressed great dissatisfaction, and great discontent was the consequence. Kilmegue is also the site of a colony termed a Protestant colony, and the former landowners, some of them under very peculiar circumstances, were turned out of possession, and some whose leases dropped were suddenly turned out to make room for strangers who were Protestants; this led both to combination and great complaints amongst the people. The case of a Mr. Fitzpatrick, a very respectable and very improving farmer, who was led to expect a renewal of the lease of a farm that he had substantially improved, created a great deal of excitement in the country, and I think tended very much to irritate the people against Mr. Preston, the Protestant clergyman.

6316. Was it attributed to the influence of Mr. Preston with the landlord?—Yes, entirely to the influence of Mr. Preston with the landlord, and acting on the landlord's own disposition to evict his Catholic tenantry; there was some distress levied for tithe on small holders where lands had been divided, and the holder of a detached portion was compelled to pay the tax of the large portion.

6317. Were the cattle that were distrained and taken to Monastereven for sale brought to that parish?—Yes; they were brought there, and kept under a guard of police and soldiers.

6318. Had there been any opposition to tithe previous to the sale at Monastereven?—None in the parish of Monastereven.

6319. Do you attribute the opposition to tithe in Kilmegue and the county of Kildare to the circumstances at the tithe sale that took place at Monastereven?—I do attribute the opposition to the bigoted conduct of the respective clergymen.

6320. Has there been any disagreement so as to cause disturbance upon the subject of education?—Yes, very considerable.

6321. State what it has been?—The subject of a considerable difference of opinion between the parties appeared to be one on which the Catholic clergy and the Catholic people on one side thought themselves hardly treated by being obliged, at the risk of the displeasure of their landlords or their employers, to attend schools not sanctioned by the discipline of the Catholic church.

6322. Were there many schools under the system known by the name of the Kildare Place Society, established in your neighbourhood?—I think I have a return of them; we had five or six schools in the parish of Lea connected with the Kildare Place Association; some were reported to be in connexion at that time, but were not in existence at all.

6323. Can you name those schools?—I will first name the schools of Belgrove, and Emo school also; those are two schools that were reported to be in connexion with the Kildare Place Society, but not in existence at all.

6324. What is the date of the Report you allude to?—The date of the Report is the year 1828 or 1829; I have the Reports.

6325. There is a school at Belgrove now?—There is a school-house.

6326. Is there a school at Emo?—There are two now.

6327. Were there at that time?—None; the schools now at Emo are kept in school-houses built by the Catholic priest, with the assistance of the Protestant, Catholic gentlemen, and landholders, labourers, &c. living in the parish.

6328. You are not sure whether the date of the Report is 1828 or 1829?—No; I have the Reports in town, but not with me to-day.

6329. Are those schools to which you have referred as under the management of the Kildare Place Society well attended by children?—The attendance is very trifling, although the number put down is very great.

6330. Have any measures of coercion been used to induce the parents to send their children to those schools?—Not in my immediate parish; in the adjoining parish of Ballykilgavan that system of coercion had been tried to a great extent; resistance and coercion was very much the consequence, and some of the people have lost their employment by refusing to send their children to schools where the Bible, without note or comment, was read. Subscriptions were made, and great complaint of the interference with the religious discipline of the labourers' children in that district, and they refused to send their children to these schools.

R. Cassidy, Esq.
16 July 1835.

schools. A subscription was made through the county generally, and in our parish amongst others, and I think that prevented any coercion being used. The schools kept open, and as many children as could be induced to go, or preferred going there, still continue to attend.

6331. Do you not consider that forcing the parents to send their children to these schools, has led to great discontent, and may be considered the source of some of the disturbance?—It has been the source of great discontent, and it left a very bad impression upon the minds of the people of the county, which I would say has been, by reformation meetings and recent events, carried into their very homes, and is a subject of constant discussion in the houses of the labouring classes.

6332. Do you know any instances of children having been collected from other schools, and some children who had never been at school at all, having been brought forward on the day that the Kildare Place inspectors were expected?—I have heard it was the system, but I do not know it.

6333. You know no instance of it?—No instance upon which I could rely.

6334. Is it your opinion that the establishment of a poor law in Ireland would tend to preserve tranquillity there?—My impression is, you will never have permanent peace in Ireland without the establishment of a poor law.

6335. Do you think the present system of preventing people working for hire is a proof of the necessity of poor laws, or the reverse?—I think that has nothing whatever to do with it.

6336. Do you not think that the people of Ireland that are now forming in combinations, if they had it in their power, as it appears they have, to prevent people from working, that that shows there is not a lack of work in Ireland?—That combination arises from a very particular and exciting cause, and I think also a very temporary cause, and does not at all, I consider, bear upon the establishment of a poor law.

6337. To what does that combination extend?—I conceive, at present, it extends to a determination on the part of the people not to work for those who pay tithes; and I find that the people say themselves that those persons who pay tithes, under the present appropriation, do not deal fairly by them; that the labouring classes in penury and starvation have the *just* claim upon the tithe, and that those people by paying it lessen their chance of getting their rights from a Government which treats their appeals with indifference.

6338. What are the Committee to understand you to mean by the word "rights"?—My understanding of it may differ very widely from the understanding of the labouring classes as well as of the Committee.

6339. What is understood by that?—That the church property is not the property of a few individuals; that it was given for a threefold division, the poor, the church, and the clergy. I conceive the poor, therefore, have a first claim to *one-third* of it; that they had, and have, an absolute and unalienable right to that portion.

6340. Are you aware that the combination in Ireland extends at present to anything beyond tithe?—I rather think it does not. I allude to the present combination, and what we have in newspaper statements.

6341. A general combination?—I conceive there is a general combination to prevent people taking lands over the heads of the present holders, as well as a determination not to pay tithe, under the present appropriation.

6342. Are you aware that the combination extends beyond that?—I have not heard it.

6343. Are you not aware that they have taken into their hands the administration of justice, and superseding the necessity of magistrates?—No.

6344. And overhauling the assistant barristers at session?—No, I have not heard that; but those courts, like all public courts, are the subject of discussion, but I have not heard of the people superseding the magistrates.

6345. Have you or not known recommendations given by certain Roman-catholic priests not to go to the magistrates, but to come to umpires they had appointed?—I know of no such circumstance, and do not think a Roman-catholic clergyman has of himself power of appointing an umpire; but I am satisfied it is not confined to the clergymen alone to recommend to their friends and neighbours to settle by arbitration, as far as possible, any cases of trespass or other violation of property; a system of arbitration is invariably recommended.

6346. Is

6346. Is that system of arbitration recommended more generally now than formerly, and that in consequence of the magistrates being supposed to take the part of what is called against the people?—I conceive the recommendation is not more general now than it has been during the last 15 years, nor do I conceive it is more generally followed now than in the last 15 years.

6347. You do not conceive there is any such combination, arising out of the general disturbed state of Ireland?—The state of the petty session jurisdiction is a most practical proof there is no such combination existing as that alluded to.

6348. Did you ever hear of several religious sects, among whom it was a principle that law should be avoided, and an amicable arbitration the mode of settling differences?—I believe that is very much the system of the Friends or Quakers in their own body, and they are the best conducted religious sect we have in Ireland of the same numbers and extent.

6349. Are you aware there is in Sweden a society for the purpose of determining quarrels by arbitration?—I have heard it.

6350. Are you aware there is an Act passed this Session to settle disputes by arbitration?—I was not aware of it, and hope it will be generally acted on.

6351. Do you think it would be any great public mischief if, instead of resorting to expensive courts of law, it should become the general habit to settle disputes by arbitration?—I have known some of the most violent factions in Ireland, factions that have extended from father to son, to have originated in the expense of carrying on or opposing a law-suit.

6352. Does not that arise out of an attachment they have to the soil?—The question is answered thus generally, that the people have been ruined in a court of law, and their children and grandchildren have held the people who caused that outlay to be their enemies; and I have known of two families, like two streams, to be eternally separating, except when they met at a fair or market to fight it out, and an expensive law-suit has been the foundation of the whole strife and continued enmity; waste of property engenders bad feelings, when that waste is felt.

6353. A combination not to go to law you think would not be a great mischief?—I think a great public good.

6354. Are you of opinion it would be a great public good that the magistrates should be pointed out as persons not fit to be called upon, but that they should prefer others?—I conceive where a magistrate has earned for himself such a character, it is a most melancholy situation for such a man to be placed in.

6355. Where the magistrates generally are pointed out by priests or agitators as not worthy the confidence of the people, and that they are to go in cases of disputes to umpires named by the priests and those agitators, do you think that is a situation for a country to be placed in?—If such a circumstance has occurred, and the circumstances depended altogether upon the prejudice or ignorance of a priest, such an advice would be as little followed in Ireland by the people as in this room by the Committee.

6356. Do you think where priests and the religion of the country are held up as idolatrous, and the worshippers of any thing else but God Almighty, that that will serve to make the people peaceable and contented?—On the contrary, it produces distrust and ill-will. A melancholy instance, as proof of this, occurred in my parish, where the magistrates have said they would rather give money to pull down than erect a house for Catholic worship.

6357. Do you not think that that accounts for the unwillingness of the people to refer their disputes to the magistrates?—Notwithstanding that, I find that where a man thinks the justice of his case, or his desire for punishment justified by circumstances, he still appeals to the magistrates.

6358. Could you inform the Committee of any means by which the system of combination, which originated in the refusal to grant emancipation, could be put an end to or defeated?—The combination of millions can never be put an end to.

6359. How can it be defeated?—By the removal of the cause that binds them together: they were bound together to obtain equal rights previous to Catholic emancipation. Those equal rights have been since conceded, as they conceive, from the effects of that combination. Another and a greater evil now presses on them, and they anticipate by the same means they will also obtain relief.

6360. Suppose title was done away with to-morrow, would there not be evils and distresses to keep up this combination?—If tithes were done away with to-morrow, and the fund was done away with as well as the tax itself, it would do no manner

R. Canally, Esq.

16 July 1832.

of good; I anticipate any good that may arise to be from the proper appropriation of the fund now applied to the single purpose of the support of churchmen.

6361. Did you ever consider how it was that Catholic emancipation has not produced all the good that people expected from it?—Yes; I have often spoken to the persons who had anticipated great advantages from the concession, and who expressed great joy when it was achieved; but the disfranchisement of the 40s. freeholders in the first instance was considered a very high price for that relief; and the more intelligent of them coupled the disfranchisement of the 40s. freeholders with other Acts for the clearance of the lands and throwing difficulties in the way of obtaining land; that applied to a joint-tenancy bill and the Sub-letting Acts; and coupling all these together, the impression was, that the Parliament intended eventually to clear the lands and to enable persons to make a selection of any class of tenants that they liked, but to put them all out of their holdings; in fact, to make a new plantation in the nineteenth century.

6362. Did it ever occur to you that a general refusal in corporations to admit Catholics to the benefit of those corporations, which by the enfranchisement they were capable of, was one cause of it not doing so much good?—I have heard both in corporations and in the country since the passing of the Emancipation Bill, the old expression, though we have got emancipation, still "*there is no law for the Catholic*;" and that expression is continued to this day, and is as much in the minds of the people as it was previous to the Relief Bill.

6363. By law they generally understand justice?—Yes, they do.

6364. What do you consider would satisfy them?—I consider constant employment, kind treatment, and the certainty of equal rights, and an equal division of rights would satisfy them perfectly.

6365. What are the Committee to understand by equal rights and an equal division of rights?—I conceive where there is patronage, where there are situations of honour or profit, that the Catholics look upon themselves as qualified to fill a proportion of those according to the proportion of their population; that I consider an equalization of rights.

6366. That they should fill offices in proportion to their population?—Yes, and in proportion to their ability.

6367. Has your answer any reference to the distribution of the rights of church property?—No, certainly not; I, as a Catholic, have no wish for church property; on the contrary, I have a rooted aversion to see the Roman-catholic clergy come in for any share of the tithe.

6368. Do you not think it would be a beneficial relief to the poor if there were a few acres of land and a house allotted to the Catholic priest; would it not save the poor man from a tax that must press upon him?—I think a measure of that kind might be very gratifying to the people at large, as not only showing that the religion was tolerated, but well treated; beyond that extent I think the people would be very sorry to see the Church of Rome endowed.

6369. You mean, that though the law has been changed, little or no change has taken place in the general administration of the Government, as bearing upon them personally, or upon their interests?—Such is the prevalent opinion, and I concur in it.

6370. They have not been suffered to enjoy that political power that they had a right to expect from being admitted into political rights?—Just so.

6371. That is to say, that the Catholic body do not see their interests and their rights represented, that is by persons filling situations in the Government, as should make them feel satisfied that their interests are properly sustained?—The expression by which the people convey their opinion will, I think, be a very good answer to the question; what is said is this, "*The former Government excluded us by LAW; the present Government do worse, they exclude from CHOICE.*"

6372. Would it not give great satisfaction if they saw some of those Members of Parliament that they have selected belonging to their own body filling some of the high offices of state?—I do not think that Roman-catholics, elected by the popular voice, could very well join the present Government, as the means of giving satisfaction to the people of Ireland.

6373. Independent of the consideration generally of the politics of Government, if there was no particular consideration to render it very objectionable, would not the appointment of Catholics to high offices contribute to secure the confidence of the body at large?—I think if Catholics were selected for situations for which they

were

were qualified, whether high or low, and religion did not appear to be a bar to employment, it would conciliate the country very much.

6374. Is it not the fact that the Catholics were excluded by law for a number of years, and having been excluded by law for a number of years from almost every situation of any value or importance, they are less qualified, proportionably to their numbers, to fill important stations now than Protestants?—It is probable that for situations requiring a certain degree of official knowledge there may not be Roman-catholics competent, but there are many situations to which that does not apply.

6375. Is it not the fact that of late years they have gotten situations more frequently than formerly; for instance, the situation of assistant barrister?—A few have been appointed assistant barristers; a few advances have taken place in the legal profession.

6376. Are you aware of how many stipendiary magistrates there are in Ireland?—Eighteen or nineteen.

6377. Is there any one a Roman-catholic?—Not one.

6378. Do you not think that the circumstance of the Government selecting the stipendiary magistrates, and paying them out of the Treasury, invariably from persons professing the Protestant religion, has been a cause of discontent and distrust in the administration of the law?—Coupling that circumstance with the selection of sub-constables from the ascendancy party, and almost all the chief constables are of that party, and the selection of stipendiary magistrates, it has made a great impression upon the people of Ireland.

6379. Is not the class of men, generally speaking, from whence the chief constables have been selected in Ireland, generally Protestants?—I think invariably.

6380. Is not that class of men, from their education and sphere of life in Ireland, more generally Protestants than Catholics?—I conceive, in point of numbers, there are not more Protestants than Catholics of men of that class; because, admitting that every Protestant is educated and fully qualified, yet, from the great number of a similar standing in Catholic families, as many might be got qualified amongst the whole of the Catholic population, which is very great, as amongst the few Protestant families who have been trained up and accustomed to look to those public situations as their means of existence.

6381. Are you aware that a sub-constable, to be eligible for the office, must be able to read and write?—Yes, I am.

6382. Under those circumstances, is it a matter of surprise to you that a greater number of Protestants than Roman-catholics should be sub-constables?—Certainly it is; in the part I am acquainted with I conceive that more than one-third of the population of the Roman-catholics above 21 years can write.

6383. Would you recommend a permanent stipendiary magistrate in each county in Ireland?—Provided his court was a court of record, and open to the public on all occasions, I think it would be useful, similar to the sheriff-depute in Scotland.

6384. What class of men would you have as stipendiary magistrates, and at what salary?—I have no idea of the salary equivalent to get such an officer; but I do not conceive it necessary he should be a lawyer.

6385. Must he not know something of the law?—Every magistrate does, or ought, to know something of the law.

6386. You have said provided the courts were open they would be useful; do you mean in cases of informations taken for murder, and crimes of that kind, that those duties are to be done in open court?—I conceive in a case where secrecy was necessary to attain the ends of justice, that is, in criminal cases, it would be erroneous to have courts open to the public during such examinations as required secrecy.

6387. Do you believe that the people would have more respect and more confidence in the decisions of the public legal functionaries appointed by the Government, and paid by the Government in that case, than they have now in the decisions of the resident and unpaid magistrates?—I consider that in many instances they would, and in many instances they would not. It has frequently occurred to me to hear the opinion of the people of the magistrates: one man, they say, is a shrewd man, and knows the thing at once; another, they say, was soft and easily imposed upon; so that without attempting to say he is prejudiced, or at all inclined to act unjustly, he may be deceived; and I am satisfied that many of the

A. Connolly, Esq.

15 July 1839.

petty sessions' courts in Ireland, meaning very well, do not in practice give satisfaction, nor do their decisions create very great respect.

6388. Upon the whole, would you recommend the abolition of unpaid magistrates?—I think the unpaid magistrates as accessory to the paid magistracy as the justices of the peace in Scotland acting under the sheriff-depute, and ought to be retained; they remain there in their local districts as at present; but the higher description of offence and the settlement of any complicated case comes before this man, who has a character and station to maintain, and that is a security for his making a plain and full decision.

6389. Is it not an impression very general that the persons selected to administer justice are chosen from a party usually opposed to the people?—That has been very much the case.

6390. Do you consider it so in point of fact?—I do.

6391. You are acquainted with the Scottish system of administering the criminal law?—I am not acquainted with it in its detail, having only resided a few months in Scotland.

6392. You are aware of the Sheriff's Court and the power of it?—Yes.

6393. Do you approve of the office which conducts the proceedings before that court, called the office of Procurator Fiscal?—Yes; I conceive such an officer would be a great improvement to the administration of the criminal law in Ireland.

6394. Have the goodness to explain your reasons for that opinion?—In Ireland, upon a breach of the peace or an outrage committed, you have to depend in a great degree upon the person who has been assaulted, or the person whose property has been outraged, to prosecute; in many instances where a connexion exists amongst a family, or from the dread of being a bad fellow, as it is called, this person so assaulted does not wish to go forward to prosecute; he rather hears the injury he has suffered, than go to look for redress in a court of law that may punish his opponent farther than his disposition to revenge himself may go; and therefore in many instances breaches of the law do take place, particularly those of a minor description, and no prosecution takes place.

6395. Do you think that is general?—Yes, very general in the part of the country I know.

6396. Then the public sustain injury from crime being committed with impunity?—Yes.

6397. Do you think that contributes to lead the people to embark in associations and crimes of a worse character whenever a strong temptation presents itself for doing so?—I do not conceive that those cases ever lead to those extended associations and combinations for robbing arms, or those other more aggravated offences, but I think it prepares the way for them very much. A man hector in a fair to-day, makes his party and attacks his opponents the next day; and the factions and the passions are therefore roused, and when in that state they are more likely to join in more aggravated crimes than they would in the first instance, and without this previous excitement.

6398. Do you imagine that the expense attending such an officer as a public prosecutor, and such a court permanently open, would be willingly defrayed?—I conceive it would add no additional expense to the county; for the reduction of the police, consequent upon the establishment of such an office, would, if well arranged and impartially conducted, lessen more than the expense of the new office.

6399. Do you also look to a reduction arising from improved habits and less crime?—From the double improvement of having, in the first place, the certainty that crime cannot go unpunished with as much impunity as heretofore, there would be less of it; and such an officer as I speak of should be constantly on circuit through the county, which would be such a check on the police themselves, that their duties will be better performed; they would have a public officer who is accountable to Government, whom they cannot pass, instead of a magistrate, who may not be so inclined to punish them as a stranger.

6400. Supposing the chief constables, which are now admitted generally to be too numerous, were reduced, might not a fund be created that might help to pay this officer?—I have no doubt that the pay of the chief constables might be altogether saved, for in general I look upon them to be a very useless appendage to the constabulary force in Ireland.

6401. What salary would you give this stipendiary officer?—I have no idea of what

what the salary to insure a good officer would be. I consider from 500*l.* to 750*l.* a year would insure a selection of good officers in Ireland.

6402. Would you give him more than the assistant barrister receives, which is 500*l.*?—Yes, the assistant barrister's duty is confined only to a part of the year, and is comparatively light, whereas this officer's time should be devoted exclusively to the duties of his office.

6403. He should have an office in the county town?—Yes, and act in constant circuit through the county.

6404. You stated there was a great deal of disturbance existing in the Queen's County at the period the Kildare-street education was in use; has that feeling gone down very much?—The schools have been very much given up in which the Kildare-street system was followed, and in others they are being modified.

6405. Are the people, generally speaking, satisfied with the new system of education introduced by the Government?—They are not very well satisfied with it as it stands; the great objection to it is that it depends upon the individual character of the officers of the Board; that these principles are not fixed.

6406. Do you not think it would be better if the system was established by Act of Parliament than a specific letter from the Secretary of State?—It would be more satisfactory to the people; and while, as it is, merely depending upon the letter of the Secretary of State, they have refused to take any thing that would give a permanent connexion with the present Board of Education, for whatever they are to-day they may be a different Board to-morrow.

6407. Do you think that feeling is general among others?—I have found that that is the impediment to the new Board being in operation; the people do not understand the explanation now given, namely, that their assistance when it does not go to the extent of building is not binding for any longer term than their system of management applies and is concurred in; but the opinion of the people to whom they give this annual rate is to decide whether to continue or drop the connexion annually.

6408. Do you think it would have been more eligible to have required that the Government should have made advances for the outlay for the house and the land, and that the parish should assess themselves for the support of the master, than to require from the Government a fund for building the school, and also to pay the master?—I think the sum for building the schools is the cause of a very heavy charge where it depends entirely upon the people, and the school is not so well arranged as it would be under the system you have described; the schools are not so well arranged for the purposes of instruction as if the funds had been more ample.

6409. Do you think, if the parish were to assess themselves for the support of the schoolmaster, there would be a greater anxiety evinced by the parishioners in the success of the school?—Decidedly; and a great stimulus to the master to have his school so good as that all the parishioners would wish to take advantage of it.

6410. Do you think it would obviate the spirit of proselytism and favouritism which arises from the principle of subscription?—Amongst the classes who subscribe for these new schools, proselytism is out of the question; and in the two or three instances where I have been concerned in schools, perhaps the most gratifying trait of the whole of them has been the most perfect union of Catholic and Protestant.

6411. Do you not think where only one or two persons subscribe in the parish, they would necessarily take upon themselves the management of the school, and not allow the interference of the other parishioners?—I do not find that those people that subscribe most are the most active in managing schools: in general the largest subscriptions come from persons having property, and the management then goes into the hands of active and interested people in the immediate vicinity.

6412. Would you recommend a local committee of the parishioners to be formed in each parish for the management and direction of the school?—That is generally the case in practice.

6413. You have stated great evils have arisen and discontent from the clearing of estates; have you ever thought of any means by which the present people could be located and arranged without cutting up the property into such small patches?—In my examination on Friday last I went very fully into that subject.

Martis, 17^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Robert Cassidy, Esq. called in; and further Examined.

*Robert Cassidy,
Esq.*

17 July 1832.

6414. WOULD you require no qualification of property for the members of the Volunteer Association you would propose to preserve the peace?—Were I to act solely upon my own views I would not make property an indispensable qualification, and where the person proposing himself to join such an association, his general good character and the avowal of his disposition to unite for the purpose of preserving public peace, would satisfy me he ought to be admitted.

6415. Have not large numbers of the lower orders, and even the small farmers, been engaged in this Whitefoot and Blackfoot conspiracy?—I rather think not; my information leads me to think that neither the class of persons to whom I have alluded, namely, heads of families or men of generally good character, had been in those Whitefoot associations.

6416. Then, is it your opinion that the Whitefoot and Blackfoot associations, or other associations connected with the disturbance of the public peace, are confined to a few in the county?—I conceive that they are not confined to a few; but I think the majority comprising them are persons of bad character, and without either house or home or anything whatever to attach them to the State by any tie of interest.

6417. Have not many been compelled to join by constraint and intimidation?—I think great numbers are obliged to join from a dread of personal injury or personal loss. The manner of compelling those persons to attend is by anonymous notices; in some instances where anonymous notices are disregarded, they are not followed up by any injury to the persons who disregard them; but in other instances those anonymous notices are followed by the destruction of the property or injury to the person of the individual who disregards them.

6418. How do you reconcile the state of the county as to general outrage and insecurity, with the notion that the majority of the lower orders have not embarked themselves in those outrages against the public peace?—I conceive that the outrages have been committed by a few; that the majority of the persons, either from intimidation or other causes, do not wish to expose themselves as informers, not knowing to what extent the combination extends; and I conceive there is also another and very prevalent assistance or power that those persons receive who commit breaches of the peace, which is, that the small farmers of the country are of opinion that but for those outrages their lands would be taken from them on the fall of their leases, and that strangers are deterred from coming into the country to take their lands in consequence of the outrages which have occasionally been committed in it; and although not themselves actually participators in the outrage, they are calm or rather silent spectators of a few committing the outrages which have disgraced the county.

6419. How would you guard the selection of the members of the Volunteer Association from being nominated under the influence of some sort of intimidation?—For the best reason possible; there is no person who is engaged in violations of the peace who is not very well known to the surrounding farmers and to the surrounding families in the neighbourhood where he resides.

6420. Would you extend this plan of association throughout Ireland generally?—I am not sufficiently acquainted with the circumstances of distant counties to give a decided opinion upon them in answer to the inquiry; but as far as theory would justify me to go, I think it would be desirable.

6421. You propose, in the first instance, not to arm them?—I think it would be better not.

6422. When they were trained and organized, if they chose to provide themselves with arms, do you not think they might become an exceedingly dangerous body?—I conceive that they can be under any circumstances, as they are now, an exceedingly dangerous body.

6423. When

Robert Connolly,
Esq.

17 July 1832.

6423. When you say that, do you mean the persons who would constitute the Association according to your plan?—No; I mean the persons at present committing crimes, which the question led me to suppose you alluded to.

6424. Should you propose that those persons whom you spoke of as committing outrages should form the Volunteer Association?—I should be very sorry if it was composed of them; at the same time there are many people now connected with those associations whom I should be very glad to see joining other associations, which I think they would do, and be glad to quit the illegal combinations they are now involved in.

6425. If you do not mean that those should be the persons comprising the Association, what am I to understand by your saying that they are at present very dangerous persons?—I conceive that the persons who have been perambulating the Queen's County, attacking houses and committing outrages, are, or at least were lately, a very dangerous body.

6426. But those are not the persons you would propose as members of the Association?—I think some of them who have got into these illegal combinations are now afraid to withdraw from a double motive; they are afraid, having been engaged in outrages, their companions will give secret information against them, or inform against them; or they think if they withdraw they are not protected sufficiently, and that their companions, from the dread of their giving information, will assault them, and perhaps deprive them of life.

6427. Can you conceive a body so to be constituted a safe body to which to entrust the preservation of the public peace?—Where an odd individual of that kind comes in with a large proportion of well-conducted people, I conceive that his power would be completely valueless.

6428. Do you not think they might in some measure thwart your plans, by giving information of your movements?—It would be quite impossible that they could; the movements would be merely from one house in the neighbourhood to another, and have nothing to do as a *levy en masse*, or to guard a particular point; they are to be confined more to watch, and in the event of outrage, then to pursue.

6429. You would not make use of them if you got information that a particular house was to be attacked or a particular outrage committed, to prevent it; because if that was the case, the information of any one of the body might prevent your success?—I would make use of them to prevent it; and even admitting that a bad member was in the Association, the prevention in that case would be just as effectual a remedy as punishment afterwards; and if you could prevent the commission of an outrage, then I think it would be just as useful as under other circumstances; all you want is prevention of crime.

6430. Do you not think that mischief planned and escaping without being detected, is likely to lead at another opportunity to the mischief being perpetrated without your having an opportunity of stopping it?—In my view no such circumstance as is alluded to could occur, even without the persons at the head of such an association acting upon secret information; because, if the watchmen are stationed upon the different townlands, no outrage can be committed or house fired.

6431. Your plan was approved by Dr. Doyle?—Not precisely the details of it.

6432. Could you let the Committee have the terms of his approbation?—I think I have already stated it; and it is on the Minutes.

6433. You spoke of the employment of Orange police?—No, I think it was the disemployment of them.

6434. Was not there a reference by Dr. Doyle to the employment of Orange police?—That is stated by Dr. Doyle, and I repeat it.

6435. What is the entire number of police employed in the Queen's County?—What it is now I cannot say; it was upwards of 276 by the last accounts, but my information is obtained from the Reports before Parliament, and there have been considerable additions since.

6436. How many of those 276 were Orangemen to your knowledge?—To my knowledge, I am not aware that any of them were sworn Orangemen; I do not think I am acquainted with one instance in which I could lay my hand upon an individual and say, that such a person was a sworn Orangeman.

6437. Then what did you understand Dr. Doyle to have meant in speaking of the employment of Orange police?—Men whose political leanings are ascendancy politics.

6438. How have you an opportunity of knowing such were the opinions of any

Robert Cassidy,
Esq.

17 July 1830.

of the police?—Unfortunately there are too many circumstances that have occurred in the county to give good ground for believing that such is the case.

6439. Will you mention some of those circumstances; facts within your own knowledge?—Within my own knowledge I can only state, that individuals known to belong to the ascendancy or Orange party, have been appointed to, and have been selected by magistrates whose opinions were also of that class; that they are considered by the magistrates of the county the principal persons who should be entrusted with the duty of constables through the county.

6440. Are any of those magistrates you speak of Orangemen?—Whether sworn or not I cannot tell; but a circumstance has come within my own knowledge to show their political bias, which perhaps may fully explain. Some years since there was an Orange flag, which was deemed a matter of triumph to the Orangemen of Mount Mellick to uphold, and a matter of insult to the Catholics of Mount Mellick; it has been a subject of dispute its being taken down or kept up, and at length the Government of the day ordered the police to attend, and by the directions of the Executive this flag was taken down. The police were ordered to proceed to the duty; some of them declined to act, and they were instantly dismissed from the police. A man of the name of Meredith was dismissed for stating he would not have anything to do with taking an Orange flag down, and was immediately appointed clerk to the petty sessions justices at Ballybrittas, and I believe he was also appointed master of a Kildare-place school.

6441. Who was he dismissed by?—I think Major Powell had the chief command of the constabulary in Leinster at that period, and it was by his immediate act that Meredith as well as some others were dismissed.

6442. How long ago is this?—Five or six years.

6443. What reason have you for saying that since these men have been dismissed there have been any Orangemen admitted into the police, or to denominate the police as consisting of Orangemen?—It will be necessary, I think, to prevent misapprehension, to say that the term Orange was not applied exactly to sworn brothers and people continuing in Orange lodges; they are merely alluded to as persons professing ascendancy politics; and having given that explanation of Orange police, those men being altogether selected from a class of Protestants who had invariably belonged to the ascendancy party, I think I am justified in calling them ascendancy men.

6444. But I am at a loss to know upon what evidence you say that these policemen are men who entertain what you called ascendancy opinions?—Their acts previous to their going into the police, and the opinions they are known to express upon all matters, and their language in many instances, which is very insulting to Catholics, lead me to form and to retain that opinion.

6445. I wish you to give the Committee instances, by naming persons in the police whose conduct or whose observations warrant you in making those charges against them?—I do not think I am called upon to enter into a charge against individuals in that way, and if not pressed, I should not like to do it; for not supposing the Committee would go into matters of that kind, I am not so well prepared with names as if I had known it; had I been aware of such being the line of examination, I would have been better prepared with names.

6446. You stated that the general impression with respect to the assistant barristers was, that they were partial, and did not give satisfaction in the discharge of their duty?—The answer which I gave was, that I did not conceive the decisions of the assistant barristers were considered to be so free from bias as to be received with respect for their impartiality by the county.

6447. You stated that was the general impression?—Yes, and I repeat it.

6448. Do you include in that general impression the opinions of men of various political sentiments, or only those people in whose political sentiments you yourself concur?—Unfortunately there are two parties upon every subject in Ireland, and consequently upon that subject I have very little opportunity of conferring with the parties who may hold different opinions; aware that differences exist, when discussion ensues, it is generally upon some subject on which we are more likely to agree than upon questions of that nature on which variance is so likely to ensue.

6449. Then under the term general impression, you mean the impression of those with whom you are in the habit of associating?—Certainly; I can have no knowledge of the opinions of others.

6450. Do

Robert Casady,
Esq.

17 July 1838.

6450. Do you mean to include in that the opinions of the magistrates of the county?—I have no knowledge of the magistrates' opinions.

6451. Or of those gentlemen who fill the office of grand jurors of the county?—The same answer applies to that question as to the former. I have no knowledge of the feelings of the grand jurors of the county, generally, on that particular subject.

6452. You also stated with respect to the magistrates, a general impression with respect to their partiality, in like manner as respects the assistant barristers; do you mean by general impression there, only the impression of the persons of the same politics as yourself, and of the same class that you refer to in respect to the assistant barristers?—I do; and a very strong instance of it occurred at the late special commission. The magistrates and several of the grand jury, altogether amounting to 48, signed a petition which was presented to the House of Commons. Those individuals expressed their opinions very decidedly as to the feelings and conduct of the bulk of the population of the Queen's County; out of 48 individuals, 20 of them who had so expressed their opinions were on the grand jury, 17 did not attend, and 11 magistrates out of the whole were then competent to serve on petty juries; out of those 11 magistrates seven were called on one jury in a particular case, and upon that jury a father and son were two out of seven; the verdict in that instance was certainly deemed partial, and indicative of the partiality of the jury who tried the man; one witness being believed on one side, and several witnesses disbelieved on the other.

6453. Be so good as to state the name of that case?—The case of the King against Delany, Malone and Wyre.

6454. The verdict in that case, you say, was reckoned a partial verdict?—Yes.

6455. Of course corruptly partial?—No, I do not say that.

6456. Then what do you mean by partial?—I thought I guarded myself particularly against that, by stating that seven individuals upon the jury were known to have expressed an opinion upon the state of the country which led them to disbelieve one class of people, and to suppose that they could not be got to tell the truth, they being either members themselves of an illegal combination, or being intimidated from telling the truth on their oaths. Therefore, whilst the witness for the Crown was believed, the witnesses for the people, being all Catholic, were disbelieved.

6457. How can you possibly state the grounds that influenced the judgment of those jurors in finding their verdict?—I have not presumed to state the grounds which justified them; I was asked the reason upon which the public opinion was founded, and that being the reason, I gave it to you.

6458. The reason stated was, that they disbelieved certain witnesses?—That was the impression.

6459. It was known to those concerned for the prisoners; I take for granted that those gentlemen stood in that condition?—It was.

6460. They did not object to them?—The right of challenge was refused: the prisoners' counsel were aware of the array being of that partial nature, and they applied to the court for liberty to challenge; but by an Act of Parliament recently passed, in cases of misdemeanor that right was taken away.

6461. Was there not a challenge to the array?—Yes, certainly; to the general array.

6462. Was not there a finding against it?—Yes.

6463. Did the Judges, in passing sentence upon Delany and others, express any dissatisfaction or doubt upon the verdict?—I have not seen the report of the Judge's charge: Mr. Morgan's pamphlet was not completed when I left Dublin, and I have not seen the Judge's charge since.

6464. You were a witness upon the trial?—Yes, I was.

6465. Did you hear the Judge pass sentence?—He did not pass sentence; it was postponed to the close of the assizes.

6466. Were not applications made to the Government in favour of those prisoners?—Yes, applications were made to the Government in favour of those prisoners; and so strongly was their case felt in the country, that the very individuals who committed the outrage for which those men were found guilty, were all willing to come forward and plead guilty, to prove the innocence of Delany, B. Malone, J. Wyre, and Deegan.

Robert Connolly,
Esq.
17 July 1839.

6467. If I do not mistake, you were a witness upon that trial?—I was a witness as to character for three of the parties upon that trial.

6468. There was a subscription for their defence?—No subscription; I defrayed the expense of their legal defence myself.

6469. Were those the men who were in your employment?—Yes, three of the men.

6470. You did it of course under the impression of their innocence?—I did, and under a full conviction of their innocence, which conviction I still retain.

6471. With respect to one of those men, Delany, had you not been informed by his father, in the morning after the outrage, that he had been at home the night before?—I had.

6472. Those men had been in your employment?—Three of them.

6473. Had those men been convicted of any breach of the law before?—No.

6474. None?—None whatever.

6475. Of no sort?—Not that I am aware of.

6476. Not fined by the magistrates for any offence?—I think not.

6477. Were none of those men the men that were fined for rescuing a distress upon your premises for the county-cess?—They were, I totally forgot that; I think there was one of them, Maloe, in that case of rescue, as it has been called.

6478. But none of the others?—I think not; there were five of my men fined, but whether Delany was one I am not quite certain.

6479. What situation did Delany fill?—Ploughman. I think he was not concerned in it, it was the men who were ditchers, or what we call tacksmen.

6480. Was not your steward one of the men fined?—Yes.

6481. What was his name?—Cavanagh.

6482. Were those men the only persons that were fined for rescuing the distress?—No, certainly not; I was fined myself.

6483. How long was that rescue of the distress before the outrage that was committed in that house for which those men were tried?—Many months; the house was attacked the 13th of May 1832; and the rescue occurred in February 1831.

6484. Do you not think that the habit of resisting the law for one purpose naturally leads on to the violation of it in others?—It is likely to have that effect.

6485. Do you not think therefore that those meetings and associations which have been formed in the county for the purpose of resisting the law, and which have been held by persons calling themselves agitators——?—That is not our name for ourselves; we call ourselves pacificators.

6486. But called by others agitators. Do you not think that the tendency of them is to lead to disturbance, the breach of the public peace, and to outrages of other descriptions?—Decidedly the reverse.

6487. Do you not think that the speeches and the publications of the persons who have taken the lead in those proceedings have been calculated to bring the rulers of the country as well as the clergy into contempt and disrepute?—That depends entirely upon the conduct of the rulers and upon the conduct of the clergy.

6488. Do you not think that the language that has been used by some of those persons was calculated to produce that effect?—We will take the most recent, and perhaps the strongest instance in refutation of that; the language held by several of the speakers at the late public meetings in England was much more inflammatory, more violent, and more contemptuous (if those are the phrases they are to be called) than anything I have ever heard of being used in Ireland, and yet no such breaches of the peace have been committed in England, because the Legislature wisely conceded what was considered to be the just demands of the people.

6489. Do you not think that language calculated to bring the rulers of the country into contempt, and hold them up to scorn, is calculated to excite to public disturbance and dissatisfaction?—Not if that language is not well founded, and if the conduct of the rulers does not warrant the statement made to be true; for instance, if a good magistrate is arraigned as a bad one, I think such language would be laughed at, and prove injurious to the maligner alone.

6490. I beg to ask you, if in some of the public addresses of those persons who have been called agitators, expressions of this sort do not occur: "Mr. Stanley has been unfortunately entrusted with the management of Ireland; it could not have been placed in worse hands. Self-sufficient, and practically ignorant, his measures are neither calculated to create respect or confidence, from the spirit
which

Robert Corridy,
Esq.

17 July 1832.

which dictates them; wounded by successful opposition to his very crude legislation, his representations of the state of Ireland, and his measures for proposed amendment, are characterised by ignorance as well as contempt of the wants and wishes of the country; irritated and vindictive to the people, who are determined to remedy a gross abuse of public property, to which your Excellency's Secretary is stated to be attached by a golden link. Is it a subject of surprise that Ireland continues agitated and dissatisfied?" Have any representations of that sort appeared upon that occasion?—I conceive that such language is calculated to prevent the people giving vent to their indignation by illegal combination and by breaches of the peace, to their own sense of such wrongs existing.

6491. May I first beg of you to let me know whether such language has been contained in any public statement?—I believe you read from a letter I have published, addressed to Lord Anglesey, and I am so little disposed to disavow a single line of it, I shall feel obliged to you to let it stand upon the Minutes.

6492. Then I beg to ask you as to two other sentences which I shall collect from it, the same question I put to you as to the one already read: "Mr. Stanley comes forward as their champion, selects a Committee from a Parliament declared to be corrupt by their own votes and acts. Before this selected Committee five stipendiary magistrates, some of whom are supposed to depend on the continuance of their lucrative employment for the means of comfortable existence; seven persons, and a few others interested to maintain existing abuses; extracts and reports from stipendiary magistrates or constables not deemed very presentable, or not considered well able to bear examination, are produced, all being credited, contradiction not being allowed: with indecent haste, these form the base of a legislative enactment to render you, my Lord, the tithe proctor of the parsons of Ireland! the collector of funds from dissatisfied millions, to be spent in maintaining a useless clergy, many of whom, it is well known, are more anxious for pecuniary gain than for the advancement or discharge of charitable or religious duties."

"The Viceroy may soon be engaged in a crusade to recover tithes for the parsons of Ireland. The sword of the law and the law of the sword may be again inflicted on Ireland. The Viceroy may emulate in the pages of history his military predecessors, Lord Leonard Gray, the tyrant Sir G. Carew, or the cruel Sir Charles Coote; like them he may destroy a generation and retard the improvement of Ireland. In this unholy warfare against the rights, the unalienable rights of the destitute and aged, he may be assisted in 1832, as were his predecessors, by many recreant Irish, like the vile O'Kelly, willing to sell their country for a share of the plunder, or to gratify private malevolence. But tithes he never can collect for the private and personal use of the parsons of the law church. Can you, my Lord, be the director of such a warfare?"

"The statute for that purpose made and provided may dissipate my goods; an English statute may tear me from my family and consign my person to a hated gail, but tithes I never will voluntarily pay whilst appropriated as at present. The continued robbery of the poor I will not sanction by even a tacit consent; deprived of property and of liberty, I shall have the consolation to feel that my example will be followed by thousands, that such a system cannot be maintained, and that a succeeding generation will enjoy prosperity and comfort from the suffering of the present. A new race of men will soon spring up, more determined, more united, and consequently more powerful than the people of 1832, who by their intestine divisions and miserable party quarrels have rendered Ireland the easy prey, almost the willing victim of every political adventurer daring and heartless enough to execute the decrees of a foreign and self-convicted Parliament, ignorant of the state and indifferent as to the welfare of Irishmen." Do you conceive that language of that sort was not calculated exceedingly to the disturbance of the public peace, to create contempt and disrespect for the Government, and to lead to those consequences of outrage and violence which are so much to be deplored, and of which we have seen so much in Ireland of late?—The subjects mentioned in the passages now read are, unfortunately, matters of history; and therefore, if in alluding to the history of Government the effects that are anticipated are produced, it is to the acts of the Government, and not the exposition of the writer, that does the mischief.

6493. Do you recollect the occasion upon which the Rev. Mr. Moore, the rector of Monasterereen, caused a sale of cattle to be effected for the discharge of his tithe in January 1832?—Perfectly; it was the 29th of December 1831.

Robert Casady,
Esq.

17 July 1832.

6494. An anti-tithe meeting was held soon after that?—Shortly after that; I have the proceedings of that tithe-meeting here.

6495. Do you happen to have any of the speeches made upon that occasion?—I believe the whole of them; it was a month afterwards.

6496. You addressed the meeting?—I did.

6497. In your address do any of these words occur, as applied to Mr. Moore?—It may be right to say that whether my admissions now are meant to convey an opinion as to the strict authenticity of the words to found other proceedings upon them, or not, I am not inclined in the present state of the jury law of Ireland to afford any facilities of that kind.

6498. Upon that occasion was not language to the effect I am about to mention applied to Mr. Moore, whose conduct was spoken of; namely, the terms "cruel, vindictive, pampered person; bloodthirsty leech, who had gorged and fattened on the vitals of the people?"—I am not aware that those words were used.

6499. Any of them?—Not having the report of the proceedings by me, my impression is that those expressions were not used.

6500. I think you stated yesterday that subscriptions had been collected for the defence of the prisoners at the last special commission?—No, I stated that subscriptions had been collected at the previous assizes for the defence of the prisoners.

6501. And that they were collected by circular?—Yes; an anonymous notice rather.

6502. Have you any knowledge by whom that was issued?—Certainly not the most distant. I considered it an exceedingly ill-judged and improper proceeding: when applied to myself, I refused to give any subscription for a general nature, and stated that if any particular person who had a previous good character was arraigned, I would most cheerfully join in a subscription to obtain for that individual a fair trial. I therefore both set the example, and urged others not to subscribe to a general fund for indefinite purposes.

6503. How long is it since the system of what is called agitation has been adopted in the Queen's County?—I believe from the first settlement of the English in Ireland to the present, but under different modifications.

6504. And they have had the same objects all along in view?—I cannot exactly tell you; but it seems to have been, and to be, oppression on one side, popular resistance on the other.

6505. What are the objects of the present agitators?—I conceive that the objects of the present agitators would be fully attained by the establishment of a provision for the poor in Ireland; and that were that provision established, it would be totally impossible for any agitators or pacificators to rouse the people as they are at present.

6506. Have their avowed objects been confined to that?—Yes, I think in substance they have.

6507. And their speeches have not gone beyond that object?—I conceive that that is the base of all their speeches, an improvement in the condition of the people, and a security against famine.

6508. Do you not think petitions to the Legislature, in the first instance, would have been more consistent with the public peace and welfare of the country, than the system of agitation that has been adopted?—Of late years agitation has been only resorted to upon a total failure of any good resulting from petitions to Parliament, as such petitions were uniformly disregarded.

6509. Had petitions to the Legislature for poor laws been tried, and tried in vain, before the agitating meetings were got up?—Of late years they had not; a greater evil presented itself, and that absorbed the attention of the persons in Ireland who took a part in those public meetings.

6510. Do you mean to say, then, that meetings for resistance to tithe were only meetings for the purpose of obtaining poor laws for Ireland?—I am not aware of any meeting to resist tithe.

6511. To oppose tithe?—Or to oppose tithe.

6512. You are not aware of any meeting to oppose tithe?—Neither to oppose nor resist tithe.

6513. Nor to impede the collection of tithe?—Nor to impede the collection of tithe; certainly not for that avowed purpose.

6514. What did you mean yesterday by the statement that those meetings
against

Robert Connolly,
Esq.

17 July 1832.

against tithe were attended by Protestants as well as Roman-catholics?—To petition Parliament, to pray for the proper appropriation of tithes; and those meetings having that object in view, cannot be called meetings either to oppose or resist tithe as a general tax for public purposes.

6515. You are not aware that meetings have taken place in any of the disturbed districts for the avowed purpose of opposing the collection of tithe?—I consider not.

6516. In stating that the meetings to petition against tithe were attended by Protestants, I should be glad if you would let the Committee know some instances where these meetings were held; at what times, and how many Protestants attended at them?—We will begin with the meeting that has been alluded to heretofore, the parish of Len; the chair was taken at the Killenard meeting by a Mr. Kenny.

6517. At what time?—The 29th of January 1832.

6518. How many Protestants attended at that meeting?—I am happy to say, that, except by accident, I do not know the religion of the people around me; but from the persons who moved and seconded resolutions, I will give the names of any of them that I happen to know are Protestants.

6519. Mention any of the magistrates or Protestant gentry that attended that meeting?—Some days preceding the meeting I wrote to the nearest magistrate, Mr. Adair, apprising him it was intended to have a meeting of the parish, for the purpose of petitioning Parliament on certain subjects; that I would be exceedingly glad to have his co-operation and sanction, and I should also be glad to show him the resolutions it was my intention to propose to the meeting; and in reply to that, Mr. Adair answered, "I received your note of the 19th instant. I beg to decline taking any part in preparing resolutions to be proposed to the meeting, which you mention as intended to be held, of the landholders of the parish." Mr. Smyth, the largest landed proprietor of the parish, was also applied to, and he fully concurred in the propriety, and indeed urged the necessity, of such a meeting taking place, but declined to attend, as the meeting was held on a Sunday. He signed the requisition for the meeting, as did Ch. L. Sandes and Henry Archdall, Esqs., and they were also prevented attending from the same cause.

6520. I am not asking as to those who did not attend, but those who did attend?—Mr. Wilkinson attended; he is a Protestant gentleman.

6521. Is he a grand juror of the county?—No, he is not; for the grand jury are generally selected from a different class of men as to their political opinions, and not altogether with as much property as Mr. Wilkinson possesses in the county.

6522. He is superior in point of property to the grand jurors generally?—I think superior to six or eight constant grand jurors.

6523. Who else was there?—John Moore, of Portarlington, a respectable and wealthy man; Mr. Thomas Kelly, of Fisher's Town, a farmer, having a very comfortable property of his own; I do not see that any more Protestants took a part in either moving or seconding resolutions.

6524. How many were present altogether at that meeting?—Perhaps 2,000 or 3,000.

6525. How many of the 2,000 or 3,000 were Protestants?—That I cannot tell, from the reasons I have heretofore stated; for except by accident, I am not acquainted with the religion of any of them.

6526. Can you say whether, as to those who attended, that the attendance was voluntary, or brought about by any coercion, or intimidation of any sort?—I am quite certain that the attendance of Mr. Kenny was not brought about by coercion or intimidation, for he was the first man in the parish who objected to pay tithe, and that so far back as 1823 or 1824: the attendance of other Protestants in the parish, it was mentioned to me, was prevented, from their not wishing to take a part against persons they were in the habit of meeting daily, and from the social intercourse kept up, they did not wish to take an unfavourable part against the interests of the clergy of the Protestant church, although concurring in the object for which the meeting was convened.

6527. How many more Protestant gentlemen had been applied to besides Mr. Adair and Mr. Smyth, who declined to come?—I am not aware of any application having been made to Protestant gentlemen, beyond apprising them that such a meeting was to be held; it was publicly announced, and those who wished attended, and those who did not were perfectly at liberty to be absent.

6528. You have mentioned Mr. Smyth; did he not publish a letter urging the payment

Robert Condy,
Esq.

17 July 1832.

payment of tithes?—Mr. Smyth published a letter, stating that tithes were certainly very improperly appropriated; that the present appropriation, as well as my recollection serves, was unjust, and ought to be changed; but he urged the persons who were subject to tithes, to pay their tithes. Mr. Smyth took great pains to circulate that address (to which the question alludes). It was answered by one of the parishioners of Lea, and a correspondence ensued upon tithe property.

6529. Be so good as to state when the next tithe-meeting was?—The next tithe-meeting I allude to is the Monastereven meeting.

6530. When was it?—It was held on the 5th of February in the same year (1832).

6531. What Protestant gentlemen attended that?—The choir was taken by Mr. Exshaw, a Protestant gentleman, holding, I think, upwards of 300 acres of land in that parish.

6532. Is it grass-land?—No, on the contrary, he is not only the most extensive tillage farmer, and the most enterprising tillage farmer in that neighbourhood, and employs more labourers than any person holding the same quantity of land under similar circumstances.

6533. What other Protestant gentlemen attended that meeting?—I believe our attendance of Protestant gentlemen was rather limited at that meeting, as I see but two or three of them. There was a Mr. Brown, of Lugg Hill, and he took a part by moving a resolution at that meeting. Monastereven being formerly a very Protestant place (an old Protestant colony), I am afraid we could not count upon many others.

6534. What was the number that attended?—The day was exceedingly severe, and the people were moving in and out; but I should say there were 2,000.

6535. Could you form any opinion how many were Protestants?—No; many who attended never met my eye at all.

6536. Be so good as to mention the next meeting?—The next meeting at which I was present, was the meeting at Athy; that meeting I have not the date of, but it was late in February or early in March, I think.

6537. In the same year?—Yes, in 1832.

6538. What Protestants attended it?—I am not a resident in that parish; the number of Protestants were so great I am not able to tell all of them; some few who took a part in the meeting I shall be able to mention: there was Mr. George Evans of Farm Hill, and Mr. Perrin of Leinster Lodge; there was a Mr. Hoyston attended also, and if I can believe the statement from the papers as reported, Captain Lefroy attended, but did not take a part in the meeting; the Rev. John Baggott of Ferristown attended, and did not take any part; the Rev. Frederick S. Trench attended, but did not take a part. Mr. Evans was the chairman upon that occasion. I do not see that Mr. Baggott, or Captain Lefroy, or Mr. Trench, took an active part in the meeting.

6539. I ask you in candour, do you really believe that those gentlemen you have latterly mentioned went to that meeting with a view to countenance or support the object of it, or do you not really believe that they went with a contrary view?—I really cannot believe any such thing; perhaps curiosity might have led them to see how it was going on, or to hear some of the county orators; but I am quite satisfied it was not for the purpose of discountenancing or opposing the meeting that they went there.

6540. That is really your opinion?—Yes, it is.

6541. Be so good as to show me the report of that meeting.

[*The Witness handed in a Paper.*]

6542. I see that those who were upon the platform are mentioned, and the statement you have referred to with respect to Mr. Baggott and Captain Lefroy, and Mr. Trench, states them to be looking on and seemingly taking a great interest in the meeting; why do you suppose that those gentlemen went there, as magistrates, if they did go, with a view to the public peace, or that they went there to promote the objects of the meeting?—As magistrates, to promote the public peace, they were totally uncalled for, and Mr. Trench is not a magistrate.

6543. Then it is your belief that they went to promote the objects of the meeting?—I am not sufficiently acquainted with the feelings of Captain Lefroy or Mr. Trench to enable me to give a decided opinion upon what their opinions may be; it is not my opinion that Mr. Baggott attended to promote the objects of the meeting.

meeting, but if he attended he had no immediate concern in Athy, as he is not a landholder of that parish.

6544. There are 24 persons stated to be on the platform; will you be so good as to mention how many of those are Protestants?—In looking over them just now I have not been able to say from their names what their religion is (if they have any religion at all); I am not able to state it to you.

6545. Mr. Evans you know to be a Protestant?—Yes.

6546. Mr. Perrin?—A Protestant.

6547. Robert Cassidy?—A Papist.

6548. James Caulfield?—You may put him down a Papist also.

6549. Andrew Dunn?—A Papist also.

6550. Thomas Ferris?—He is a Papist also.

6551. Thomas Phelan?—I cannot tell.

6552. Andrew Dunn?—A Papist also.

6553. Matthew Lawlor, M. D.?—If it is the brother of the priest, I suppose he is a Papist; it is very likely he goes with the priest.

6554. Patrick Dunn?—A Papist also.

6555. John Lord?—I really do not know; I should say he was a Protestant, but on that I have no knowledge.

6556. John Pepper?—A Catholic.

6557. William Dillon?—A Papist also.

6558. Patrick Dunn?—There are two Patrick Duns; what the second is I do not know.

6559. Patrick Dolan?—I think a Protestant, I am not sure.

6560. Luke Lawlor?—I cannot tell.

6561. Dr. Barker?—My apprehension is he is a Protestant; I do not know.

6562. William Coyle?—I do not know.

6563. James Hoystead?—A Protestant.

6564. The Very Reverend Thomas Lawlor, P. P.?—That speaks for itself.

6565. Of what parish is Mr. Lawlor parish priest?—Of Athy.

6566. The Reverend Messrs. John Lawlor, Lawrence Cremen and James Delany?—There are no such clergymen, I think, in the district as James Delany or Lawrence Cremen. I do not know of any such; I think they are not clergymen.

6567. They are put down as clergymen?—We had but one.

6568. Do you believe them to be Protestant clergymen?—I doubt if they are clergymen at all.

6569. Did you see three clergymen there?—No, I only saw one.

6570. That was the priest of Athy?—Yes.

6571. Is there any other meeting?—Those are all that I can speak of from my personal knowledge; but I see I have got the report of a very important meeting in the King's County, convened at Clonbullock, and I see there is a Mr. Fossett, who announces himself to be a Protestant; he was the chairman. There are no details given of that meeting. I only know that Mr. Fossett was the chairman, and was a Protestant.

6572. By whom were those meetings got up?—Very generally by several individuals. A requisition was circulated; frequently different requisitions were in circulation at the same time. The people, finding the same object in view by each, generally co-operated and joined in one requisition, and one meeting was the consequence.

6573. Were they got up by what are generally called the agitators in the county?—The agitators have no power to get up meetings, except on subjects on which the public run with them.

6574. In point of fact, did they take any concern or part in the getting up those meetings?—I have frequently been applied to to give my name to a requisition, which is the only matter I have had to do with them.

6575. But that much you have done?—Wherever I approved of the object of the meeting, and thought the time suitable, I invariably did so.

6576. Did the Roman-catholic clergy take any part in getting up those meetings?—Sometimes they have; frequently they have remained perfectly passive.

6577. In the instances of those three meetings, can you inform us whether they took any part?—In the instance of Monastereven, the priest was rather averse, and did all he could to prevent it. In the instance of Athy, not being a resident of that parish, I cannot exactly say.

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6578. He

Robert Cassidy,
Esq.

17 July 1892.

Robert Cassidy,
Esq.

17 July 1892.

6578. He attended on the platform?—Yes; and in the instance of Killenard the priests did not take any part till the meeting had been decided upon without them: the fact is, in the diocese of Kildare the Catholic priests do not wish to take any part in political affairs when they can avoid it; the object of their attendance is generally to preserve order, rather than to take any political part. They are generally known to all the parish, and if they see any disturbance they are more likely to check it than any other person.

6579. If you did not think it necessary for the magistrate to attend with a view to order, why do you think it necessary that the Catholic priests should attend to keep order?—I am quite satisfied the power of the Catholic clergymen to preserve order and regularity on occasions of that kind is the most efficient that can be, for they individually know every man in the parish, and being in habits of intercourse, a man minds his word at once where he is one of his own parishioners, and they generally form the bulk of such meetings.

6580. Do you not conceive that it tends to give great efficiency to those meetings when the people perceive their clergy attending them?—I do not think it has any such effect; I think the meetings would be as well attended without them.

6581. And the resolutions they come to would be as effective?—The resolutions might not be so proper and correct; in some instances they would be more violent but for the Catholic clergy.

6582. Effective, is the question?—I do not understand what meaning is put upon effective; a resolution is never effective until it is acted upon.

6583. More likely to be acted upon?—I am not aware that the presence of the priest makes it more likely to be acted upon than if the priest was not there; if the people like it, the presence of the priest would have very little effect; and if they dislike it, the absence of the priest would have very little effect.

6584. At these meetings were not speeches made of considerable violence against tithes?—The parts of the system complained of were gracefully spoken of in the strongest and most emphatic language that the different speakers could use; as you gentlemen in Parliament make use of the best language to carry your own opinions, so do the orators out of Parliament.

6585. And the tendency of these speeches was of course to excite great dislike to tithes?—I presume there was no occasion for speeches being made to excite a dislike to tithes in Ireland, for tithes have ever been disliked in Ireland.

6586. The question is, what was the tendency of the speeches?—The cup of dislike was full before the speeches were made.

6587. Were the speeches calculated to excite the good-will of the people, or the contrary, to the system of tithes?—I do not think they are likely to add to the payment of tithes.

6588. Probably you think the contrary?—I hope so.

6589. Was not the tendency of some of those speeches to justify the withholding of tithes?—I think that was the prevalent feeling; it was to justify the withholding of tithes while it was appropriated as at present.

6590. Even whilst it continued payable by law?—Even whilst there was a law that authorized the parsons to receive it; the object of the speakers was to state their own opinions, that voluntary payments were not required by the law.

6591. Was not the tendency of those speeches to lead to a violation of the laws?—Quite the reverse; the tendency of those speeches, in all instances that I have seen and heard, was to let the law take its course; that if you were subject to tithes, it was at your own option to pay it voluntarily or to allow a distress to be made upon you for it, and it was for the persons subject to tithes to decide whether they would pay it voluntarily or allow the law to take its course; the allowing the law to take its course is the line I myself have adopted and intend to adopt.

6592. Was there nothing said at these meetings to discourage people hiding upon sales of distresses taken for tithes?—I am not aware there was anything said to discourage persons hiding for distresses taken for tithes, but I believe the facts of some tithes sales were alluded to.

6593. Some tithes sales that failed?—Yes.

6594. Were they alluded to with approbation or otherwise?—Very considerable approbation.

6595. Were they held out as an example to be followed or condemned?—They were held out as objects of admiration, but whether to be followed or avoided, I think the speakers generally declined to give any opinions.

6596. But they were held out as objects of admiration?—Those persons who
allowed

allowed the sacrifice of their cattle were held out to be martyrs in the cause in which their property had been dissipated.

6597. According to your own sober judgment as a man of the world, and understanding human nature, was not the necessary consequence of those meetings and those speeches to defeat the remedies for tithes?—The necessary consequence is this, if you cannot get any one to buy, it is useless to have anything to sell, and therefore I think that is self evident.

6598. You stated, with respect to yourself, you considered you were justified in withholding your tithe?—Perfectly.

6599. Do you think that a person's own view, according to his approval or disapproval of the application the law makes of his property, is a justification for his withholding the payment of a tax?—I consider your own conscience must generally be your guide, and I rather think that opinion is more strongly held by persons professing a different religion to my own even than myself, for the right of private judgment is asserted by many classes of Christians, even upon more important matters than the payment of tithe; now I deny it in more important matters, but I admit it in the payment of tithe, and I think that my private judgment in the payment of tithe is the best guide I can go by for my own satisfaction.

6600. Do you apply that principle to the discharge of any other legal duty?—Yes, where I have doubts.

6601. Then you think the criterion by which a man is to discharge his legal duty is his own private judgment, and not the decision or rule of the law?—Where the law leaves a party a remedy, it is optional with the party to take the remedy or not. Since I came to London, I have had advice from the county of Limerick, and I find that if concurrent thousands are to give a person a conviction, he is correct. I am in that position, for this gentleman says, "The people have universally come to the determination of never again paying tithes or church-rates in any shape for the present appropriations; this may be called the Munster declaration. You have seen by the public prints that even cholera did not deter the people from assembling in Cork upon the tithe question, nor would the cannon's mouth." I have this day read letters from the Protestant town of Bandon, giving precisely the same report of the feelings of that portion of the county of Cork as this letter gives of the feeling in the county of Limerick.

6602. The statement you have made respecting Dean French and the parish of Athy, is that in your own knowledge?—Not in my own knowledge, but upon the testimony of the parishioners who made the agreement, and who are now paying the 550*l.* to Dean French himself, or are now subjected to it. I believe they do not now pay it.

6603. Can you throw any light upon a very curious subject, the circulation of the lighted turf and straws through Ireland that took place lately?—I am sorry to say I cannot; it seems to me, from all the information I could collect upon the subject, to have been either the work of some wag, who wished to give the people exercise by a practical joke, or to turn into ridicule the attempts of the Government to put down those mounds that were erecting through the country.

6604. Have you not understood it pervaded the whole of Ireland from north to south, and from east to west?—I know it pervaded my county, but how it got into Connaught or Munster, or portions of Leinster, I do not know.

6605. Have you not heard that it did?—No, I have not; but if there was any object in it, it would readily extend from the Giant's Causeway to Cape Clear; it could be applied and would have gone through Ireland, if there was any object or purpose that could induce the people to take an interest in forwarding the turf or straw, whether lighted or not.

6606. Do you not think it was an experiment calculated to show how quickly and simultaneously communication might be made throughout the whole of Ireland?—Such an experiment was not necessary. It is known to everybody how quickly information can be conveyed from the north to the south, and from the east to the west of Ireland.

6607. Had an instance of the same sort as this ever occurred before in Ireland?—I am not aware that it has; but I am satisfied that news of any important event occurring here reaches the extremities of Ireland with as much rapidity as an express would reach it.

6608. Do you think it reaches every poor man's house and every individual to the same extent and with the same certainty that a communication made in that

Robert Camdye,
Esq.

17 July 1832.

Robert Carrigy,
Esq.

17 July 1832.

way does?—No, because in this case I understood there was to be a real personal communication, and a personal view.

6609. Did not this bring the whole of the population among whom it circulated into contact, directly or indirectly, one with another?—Certainly not; I understand the manner of forwarding the turf was, that a piece of straw or lighted turf was given to any person, and the individual who got it was to give it to three more, and those were to give it to three more, the first they met.

6610. Was not the effect to produce an indirect personal communication through the whole of those through whom it was transmitted?—I am not aware it produced any personal communication beyond the number named as the persons to get it.

6611. If it was sent forward without limit or stint, must not the necessary consequence of it be to make a communication throughout the whole of the population?—If it was sent forward in that way, the turf would certainly get into general circulation.

6612. Do you know Dr. Fitzgerald, the stipendiary magistrate?—I think I have seen him at Clonmel assizes.

6613. Is he not an exception to what you have stated, that there was no Roman-catholic magistrate?—I am not aware that he is.

6614. Had not the Mr. Gregory, the gentleman of whom you spoke yesterday, who had been murdered, been concerned in a record in which he succeeded against one of the Roman-catholic clergy?—Not that I am aware of; I was aware that the case of Mr. Gregory had been mentioned. From the pleadings of the case in the Court of Chancery, I got an abstract drawn up by the solicitor who attended to it, and as it was mentioned a good deal yesterday, I have brought that abstract of the particulars, which are stated in this paper shortly, and more in detail in this.

[The Witness delivered in a Paper: vide Appendix.]

6615. I think you stated yesterday that the system pursued by the new Board of Education did not work well, that it was not acceptable?—I did not go that length; I stated that the Board of Education did not give perfect satisfaction, but that it worked tolerably well.

6616. You said that a school established under it is a perfect sample of the union of Protestants and Catholics in education?—I did, for the purpose of education.

6617. Do you speak of the theory of the system, or its effect in practice?—Of the theory of the system, as it depends upon the choice of commissioners. I should be sorry to give any direct approval of the theory beyond the present moment, beyond what they are now doing. I think their present course is a good course; but with respect to the practical effect of it in the parishes, of which I have had no practical knowledge, I offer no opinion. I have received the greatest assistance possible under the Board of Education, and it has combined a great portion of the Protestants with Catholics to promote the education of the people generally; and more than that, I consider that it does much to allay party spirit, more indeed than any public establishment I have known in Ireland; and although a trifling instance, I would take the liberty of mentioning a proof of it. The funds of Killenard schools are limited; a kind of annual charity dinner takes place, and on the last occasion there were a good many Protestants attended the dinner; a band was in attendance, and I think the third or fourth toast given after dinner was the health of Dr. Whentley, of —, and, certainly to my gratification and great surprise, "The Protestant Boys!" was played, and in my life I never recollect anything so well received. I think it would be impossible for any partizanship to make that a party-tune in our district again.

6618. Was it a meeting of the schools in that district?—It was a dinner, furnished in the cheapest manner possible, for the purpose of bringing the people together to state how the funds of the establishment were for the past year, and to collect funds to complete and continue the schools, and increase the salaries of the masters for the following year.

6619. How many schools did that meeting relate to?—Two only.

6620. Are they called the Killenard schools?—Yes.

6621. Under whose superintendence are they?—They are under the superintendence of a committee, and the president of that committee was Mr. Smyth,

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of Mount Henry (who has been examined), and I think the president this year is Mr. Kenny, of Belin; the president is chosen annually, and Mr. Smyth was last year, and Mr. Kenny the present, president of that committee.

6622. How many children are educated in those schools?—In the girls' school the number varies occasionally from 80 to 100, and at particular seasons of the year as low as 20; in the boys' school the numbers are rather more.

6623. What proportion of those are Roman-catholics, and what are Protestants?—It is not a population where there are poor Protestants about it; there are very few, if any, Protestants who attend that school, or ever have attended it.

6624. Then those are not the schools which you alluded to as an example of the perfect union of Protestants and Catholics in education, under the present system?—For the purposes of promoting education, I said.

6625. Have you any instances, under the present system, of the fact of Protestant and Roman-catholic children attending schools under the present Board?—For the same reason that I stated before, I really cannot, except by accident, state the religion of the children; my impression is, that very few Protestants in my own neighbourhood attend these schools now in connexion with the Board of Education; for in the parish of Monastercraun particularly there has been great pains taken to oppose the progress of that Board, and the extension of their schools. I recollect meetings being convened for the purpose of petitioning Parliament against the grants, or against the withdrawal of public money from the Kildare-place Society, and hearing of the meetings I went there myself, and I was informed it was an *exclusively Protestant* meeting, to petition for the continuance of the grant to the Kildare-place Society, and it was intimated to me, if I was not a Protestant I did not come within the terms of the requisition, and was an intruder.

6626. Then, from whatever cause it be, it does not appear that Protestant and Roman-catholic children are in fact, or you are not aware of any instances where they are educated together, under the system of the new Board?—Except to a very limited extent, I cannot state it.

6627. Even as to that limited extent, will you mention the schools in which they are to be found?—I think there are a few Protestants, both in the Monastercraun male and female schools.

6628. Are those under the new Board?—Yes, they are.

6629. Do you know of any other instances where you could say there were a few?—No, I do not; but they may be or may not, for I really purposely avoid putting the question in any way that would lead to the opinion that I considered it a matter of importance to ascertain whether they were Protestants or Catholics, or *vice versa*.

6630. Have you seen the celebrated pastoral of Dr. Doyle, in which he suggests his plan for acting in the way of what he calls passive resistance to the tithe system?—I am not aware of any pastoral where Dr. Doyle points out any plan.

6631. Or some publication of his?—No publication of his contains a plan.

6632. Or a suggestion of his?—No.

6633. Or a suggestion generally of passive resistance?—I do not understand what is passive resistance.

6634. Then you have not heard of the term passive resistance?—Yes; but I considered, as it was confined to Ireland, it was a *snarl*; if you resist it is not passive. I deny there is any resistance to tithes in Ireland; there is an objection to pay them, which never can be removed until the appropriation is altered, as prayed for.

6635. Only objection, and no resistance?—No resistance.

6636. Under that state of things, is it not a fact that for the last two years, in the disturbed districts at least, the clergy have not been able to recover or enforce any of their tithes?—The Queen's County, if we can believe reports and Parliamentary documents, and the reports of magistrates, is in a very disturbed state; yet I paid my tithe in January 1831. I owe a year and a half's tithe since, but that is within the period alluded to.

6637. Have others done the like?—I think tithes were generally paid up to the period when the Reform Bill was thrown out of the House of Lords in October 1831, and I think it was that event that made the opposition to tithe so general and so decided.

6638. Then the Reform Bill having been passed, why should not the payment

Robert Connolly,
Esq.
17 July 1839.

of tithe be resumed, if that was the only objection?—Unfortunately the discussions upon the subject had informed the public more accurately of the nature of the due appropriation of tithes than they were before; they were opposed before on account of their amount, and the manner in which they were collected; they are now opposed upon principle.

6639. Have you received, since your arrival in London, any communication in regard to the state of the Queen's County at present?—Yes, I have read it to the Committee.

6640. Is it your opinion that the Whitefeet outrages have considerably diminished?—Every information I have received leads me to think so.

6641. Does your information lead you to believe that they will not be revived?—That must depend upon what you do here; if distress prevails in the country, if tenants are evicted, and if the same system goes on, the same system must and will produce similar results.

6642. Is it your decided opinion there can never be permanent peace in Ireland till there is a provision of some kind for the distressed poor?—That is my deliberate opinion.

6643. Is that opinion general among the class of persons you have an opportunity of conversing with?—I find many persons consider that a poor-law would not be necessary if lands were let to small holders, and an abatement of rent followed, with a reduction of local charges and just appropriation of tithe and church lands in Ireland.

6644. Is the general feeling in Ireland, among those you are acquainted with, favourable to or against the introduction of an improved system of poor-law?—I find generally that persons think that an improved poor-law would be most desirable.

6645. What is the opinion of the Catholic clergy upon that subject?—The opinion of the Catholic clergy is uniform, that a poor-rate is absolutely necessary.

6646. Do you conceive there would be any great objection, on the part of the tenantry, to a system of poor-rate?—The tenantry would object to any system of poor-rate that would add to their burthens without diminishing their rents, and I think wherever I have found an objection to arise, I have always found it coming from the landholder, who says a poor-rate, if it is enacted, will be like the grand jury laws, or other taxes thrown upon the land; the landlord will escape, and we shall come in for an additional load of taxation.

6647. Is it not a fact that the tenantry of Ireland, respectable farmers, are at present heavily taxed for the support of the travelling poor?—The travelling poor in Ireland live considerably better than labourers, and in many instances better than small farmers; they enter the house of any individual they please, and he gets a share of whatever is going, and I believe that that share is given to him freely.

6648. Have you ever heard, or personally known, any instance of the beggars of a considerable district of country meeting on a particular day at a certain place, and putting together all the provisions they have collected in a certain time, and hiring a cart and taking them into the market town to sell?—I have not heard of so organized a system as that, but I have heard of an individual in a distant part of the county of Kildare, who really built a house for the purpose of giving lodging to beggars, on condition that the beggars brought their satchels to his house, and let him have the refuse of those satchels; with this refuse he fed pigs, and I understand that the man is now in a thriving situation.

6649. He really made a fortune from the beggars?—The commencement of his fortune was the alms levied by travelling beggars, the refuse of which he obtained in return for lodging them.

6650. Are not the travelling beggars in Ireland generally a very immoral class?—I apprehend they are.

6651. Has it come to your knowledge that in times of disturbance intelligence is conveyed from one part to another by these travelling beggars?—I conceive them the bearers of intelligence for any purpose, and certainly spreaders of infectious disease, very generally, throughout Ireland; their habits of filth generated leaze, and the people do not like to refuse them lodging.

6652. Do you conceive that the farmers generally would object to a moderate tax that would rid them of the nuisance of these travelling beggars coming to their houses?—I do not think that the farmers would, but I conceive that the small
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cottier or landholder, who has not as good cheer as the beggar likes, would be too well satisfied to pay a money tax to be rid of them.

6653. Have you ever ascertained from any respectable farmer what the amount of the provisions would be within one week given to the travelling poor?—I have never heard it accurately calculated in the Queen's County, but in the districts of part of the county of Kildare I have heard it estimated at more than 5s. a week, but I was never satisfied that that was founded upon any accurate data.

6654. Have you ever heard it stated, that upon some farmers it amounted to 4s. an acre?—I have heard it; in the barony of Carberry, where is the great pass of labourers from the west of Ireland, coming over and returning from the harvest in England, it is very heavy.

6655. The farmers on the eastern coast are devoured by the poor from the west of Ireland during the summer months?—The labourers come to England, and their families beg through Queen's County and Kildare; in fact, I understand the system to be, that at the ripening of the harvest the family breaks up; the man comes to England to look for labour, and the woman and children beg through Leinster and other parts where they think they can obtain a livelihood.

6656. Would it not be a great relief to the farmers of Leinster to be rid of those people?—It would be a relief upon their pockets and everything else; for those people going through the country, as the means of insuring accommodation at night, plunder all the hedges, and the fuel they bring is considered an equivalent for the lodging they get.

6657. Would you recommend any alteration in the excise laws, so as to prevent the sale and making of illicit spirits?—I think while the duty on spirits is so high as it is at present, you will find it very difficult to make any law which you, as landholders, will ever submit to, to check illicit distillation.

6658. What class of persons are the gaugers?—Many of them very intelligent, and some sent from England are totally ignorant of the country, and unacquainted with its localities or habits.

6659. I allude to those gaugers who go round to examine the stock, and whose duty it is to put a stop to the sale of illicit spirits?—In my neighbourhood they are rather an intelligent and active set of men, the best being selected for that purpose; but in other instances I hear they are very inefficient.

6660. Do you think the travelling pedlars and schoolmasters are productive of mischief?—I think any itinerants going through the country without any character or knowledge are productive of mischief.

6661. Is there a considerable number of pedlars and travelling schoolmasters found in your neighbourhood?—No, there are not.

Mercurii, 18^a die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Robert Cassidy, Esq., called in; and further Examined.

6662. HAVE you anything to add to your evidence of the former day?—Mr. Lefroy wished to have a letter of mine, addressed to Lord Anglesey, put on the minutes; I think as that letter is to appear, the first letter I wrote to Lord Anglesey on the same subject ought to stand on the minutes also; I therefore request that my letter to Lord Anglesey, and Lord Anglesey's reply to me, should stand upon the minutes. It was contrary to my wish that the subject was brought under public discussion at all; my first object was to have satisfied persons in authority I had been misrepresented under the circumstances, and with that view I wrote this letter.

[The Witness delivered in the following Letters:]

"James Town, Monasterovan, 3d May 1832.

"May it please your Excellency,

"In taking leave to address you, I trust that my doing so will not be deemed intrusive, or an impertinent assumption.

"I am fully aware of the exalted station your Excellency fills in the country; and that there exists an established course through which the humblest individual

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*Robert Cassidy,
Esq.*

17 July 1832.

*Robert Cassidy,
Esq.*

18 July 1832
See Appendix.

Robert Cassidy,
Esq.
18 July 1832.

having reason to complain can address the Viceroy. In departing from that established course, I am influenced by the high respect which I entertain for your individual character, and by my confidence in your determination to render justice to all.

"In the Commons' First Report on Tithes in Ireland, there is in the printed Appendix an extract of a despatch from Lieutenant-Colonel O'Donohue to Sir William Gosset (No. 2, p. 184, dated 1st March 1831) in which that magistrate states, that to such a length is resistance to the law now carried, that Mr. ——— was convicted of rescuing a horse seized for grand jury cess; and this circumstance is coupled and made to form part of a statement reporting the existence of a general system to resist the law respecting tithes and taxes.

"Although my name is suppressed, the date and the facts stated justify me in assuming that I am the person alluded to, as I was fined on the 28th day of February last year; but under circumstances not only differing, but directly the reverse of the report made by Lieutenant-Colonel O'Donohue, who sat with the magistrates who awarded the fines.

"The system of misrepresenting the act of every individual who does not fully concur with the magistrates of the day in every public act has been so general in Ireland, that, under ordinary circumstances, I would not condescend to notice their reports. But in this instance, the misrepresentation seems to be part of a system of *ex parte* evidence upon which legislative measures were to be founded, and I am therefore most anxious to obtain an opportunity to refute the misrepresentation with which Lieutenant-Colonel O'Donohue has accompanied the statement of a fact at which he was present; and I am most anxious that any inquiry which your Excellency may be pleased to order may take place in the presence of Lieutenant-Colonel O'Donohue.

"I take leave to make this application to your Excellency in preference to contradicting the statement of Lieutenant-Colonel O'Donohue through the columns of a newspaper: by selecting that channel I might appear to follow the course adopted by another in exposing the defects of dispensing law in Ireland, or to seek for personal notoriety; neither, I take leave to assure you, is my wish. I am actuated by a desire to refute what appears to me wilful misrepresentation, and at this moment I prefer having an opportunity to do so under the sanction of your Excellency than to discuss the merits of the Queen's County justices through the columns of a newspaper.

"Lieutenant-Colonel O'Donohue being more immediately the officer of the Government than an ordinary justice of the peace, is, I take leave to add, an additional reason for adopting this mode of complaint. With respect,

"I have the honour to be, your Excellency's most obedient humble servant,
"Robert Cassidy."

"Phoenix Park, 5th May 1832.

"Sir,—I have it in command from his Excellency the Lord Lieutenant to acknowledge the receipt of your letter of the 3d instant, and to express his conviction, that upon a more mature consideration of your request, you will perceive that his Excellency could not with any degree of propriety interfere on a subject which has been before a Committee of the House of Commons.

"I have honour to be, Sir, your most obedient humble servant,
"J. Steuart."

"Robert Cassidy, Esq. James Town."

I also find from some of the gentlemen of the Committee, I have been mentioned as the person who put a final stop to the associations proposed by the magistrates. Having taken a part in the opposition to the formation of such associations in my own neighbourhood, I think it due to my neighbours and to myself that the resolutions stating our reasons for not concurring in that association should stand as part of my evidence also. Those resolutions I proposed to the meeting; they were concurred in by the majority of those persons present, but at the express desire of Mr. Adair I did not press them, as he considered that the requisition under which we met, did not exactly warrant the passing of any resolutions, as it was confined to agreeing, or not agreeing with the resolutions of the magistrates; I therefore did not press it, but circulated copies of my own reasons for not agreeing in the resolutions they recommended; I gave a copy to Sir Henry Parnell shortly after, and to others.

[*The Witness delivered in the following Paper:*]

"At

Robert Cassidy,
Esq.
18 July 1832.

"At a meeting of the landholders and householders of the townland lying south side of the Llanerick road, parish of Lea, and Queen's County, held by requisition of George Adair, Esq., J. P., in the Kildare-place school-house at Belgrove, on Friday the 24th of June 1831;

"The resolutions passed at a secret meeting of magistrates, held in Maryborough, on the 10th of June, having been read and their adoption proposed;

"It was resolved—That we have heard with sincere regret, that outrages have been committed on the persons; that the property of individuals has been destroyed, and that the laws of the land, which all are bound to obey, have been violated in this country.

"That we deem it our duty to record our conviction, that outrages of the extent and of the nature stated in the resolutions passed at the secret meeting of justices, have not been committed in the Queen's County:

"That we deem the measure proposed by the justices at Maryborough, for the protection of persons and property, totally uncalled for in this district, and that such measures evince, on the part of the justices, ignorance of the real causes of the violation of law in Ireland, violations which arise from the great privations to which the people are subjected, by the pressure of rents, by oppressive local assessments, and by a want of constant employment for willing and industrious labourers:

"That it is the opinion of this meeting, that a due consideration and regard to the wants and wishes of the people is the safest and surest mode to insure the tranquillity of the county, and that we most respectfully state to the Lord Lieutenant and Government of Ireland our expectation and hope, that the present session of Parliament will not be allowed to pass over without the enactment of laws for the practical relief of the industrious classes in Ireland:

"That for this purpose we deem an alteration in the present system of grand jury laws and tithe laws absolutely necessary:

"That by the present system, a grand jury composed of some members unacquainted with the state of the country, and not subjected to the payment of tax, have an arbitrary power to assess the resident and occupying tenant to any amount:

"That we trust the tithe tax will be appropriated to the purposes intended by the religious and charitable men who originally established their collection; namely, for the support of the sick, the destitute and the poor, unable to support themselves; for the erection and repair of churches, chapels, schools, &c., and for the decent maintenance of the clergy:

"That a fund may be raised from property in Ireland to promote the employment of labourers in useful public works, for the improvement of this neglected country:

"That a fund so raised will in some degree mitigate the impoverishing drain to which the remittances to absentees annually subject the country:

"That by such necessary reforms, the people, relieved from anxieties and misery, the natural result of their present destitute condition, will naturally feel a zealous desire to promote institutions and laws under which they may enjoy competence and security. That by such reforms alone can the permanent prosperity of Ireland be promoted, and the present system (carried on at an enormous expense) of governing Ireland by arming a faction to oppress the people, rendered totally unnecessary.

"The above resolutions were proposed and concurred in by a majority of the landholders. As passing resolutions was not mentioned in the requisition, the above, being read, were withdrawn at the express desire of Mr. Adair, who convened the meeting."

In order that it might be shown that the agitators were as anxious for the peace of the county as they have been represented to be the reverse, I should be glad that the letter of Mr. Lalor, published on the 12th of April 1832, should also stand on the minutes.

[The Witness delivered in the following Paper:]

"To the Editor of the Pilot.

"Tinakill, Abbeyleix, 12th April 1832.

"Sir,—I took the liberty about a year ago of addressing, through you, the public and the magistrates of this county on the subject of the disturbances which then afflicted and disgraced the county. In that letter, I showed the folly and utter

Robert Connolly,
Esq.

18 July 1832.

inutility of the plans then and for some time before pursued by the magistrates, namely, holding private meetings, composed solely of themselves, and striving to get up an armed association under the same exclusive influence. I took the liberty of foretelling in that letter that such conduct would never restore peace or good order, inasmuch as it showed an utter contempt on the part of the magistrates for public opinion, and a thorough conviction that in the county there were no trust-worthy persons, nor persons whose interests or inclinations would lead them to put down insubordination but themselves; that they seemed at all times only anxious for coercive and violent measures; that obedience to the laws was only to be enforced at the point of the bayonet, and that it would be derogatory to seek assistance from the moral feeling of the people, obtained through a mild and impartial, though firm administration of the laws. That such opinions were held by the magistrates is quite clear from their mode of acting; and the consequences have been exactly as I foretold. The good and the virtuous were kept aloof and at a distance; their pride was wounded by this implied unworthiness, and they have left the county to struggle between the police and magistrates on the one hand, and the wicked and the lawless on the other. This conduct has been pursued by the magistrates up to the present hour; witness the challenges of jurymen at the late assizes, challenges not directed by the proper law officers, but by one of their body, and also a policeman, either of which situations should, in my opinion, cause any person holding it to keep himself perfectly neutral and indifferent between prosecutors (whether the Crown or private individuals) and the accused. Those challenges were directed, as if with a full and premeditated intention of insult, against men whose moral character in public and private life would not be lessened by a comparison with any magistrate or policeman in this or any other county.

"The consequence of all this kind of conduct has been (exactly as I foretold), that matters have progressed from bad to worse, until the state of society has become so disorganized that no man's person or property is safe, and both are full as unsafe by day as by night, a thing heretofore without precedent. Instead of even now changing their mode of acting, instead of striving to conciliate and enlist the moral feelings of the virtuous and well-regulated portion of the people, they still follow the same exclusive, overhearing, and (to the people) insulting conduct. Instance their mode of getting up and signing the petition praying for the Insurrection Act, which was solely confined to magistrates and grand jurors (synonymous terms); and indeed if they possessed the smallest delicacy, they would have left it to others, inasmuch as, if granted, it would be a law which would invest them with an uncontrolled power over almost the lives of every individual in the county, a power which public opinion declares them very unfit to possess, but which they seem ardently to desire, and by that very desire give the best proof of their unfitness. Mr. Stanley seeing those things in a clear point of view, and for which he deserves much credit, gave them a rebuke, which ought not soon to be forgotten, on the presentation of their petition by Sir H. Parnell, who seemed to echo their sentiments; and the only speech I have seen attributed to our other inefficient representative, Sir C. Coote, was to the same effect. The letter to which I have already alluded, concluded by the following advice, or rather suggestions, to the magistrates:

"If the magistrates sincerely wish to pacify the county, they will descend from the aristocratic stilts upon which they have placed themselves, they will have a meeting of the inhabitants of the county called by general requisition; let plans for its pacification be there submitted, and the best method adopted. If such a line of conduct be fairly and in good faith pursued, any plan then and in such case determined on will meet the approbation and support of the honest and well-disposed of all classes; the vicious and the ill-disposed will be instantly put down. If once the moral feeling of the country be obtained towards the preservation of the peace, then will it be instantly secured, but never until then."

"The same insubordination (only in an increased degree) still exists; the same haughty and contemptuous conduct on the part of the magistrates, and in an increased degree, also exists, so that if the plan above mentioned had, a year ago, any merit (which I think it had), it would be equally useful now; perhaps it is too much to say it would be equally useful now, for it was much easier to be useful a year ago than now; but let it be defended as long as may be, it must at last be adopted, as it is the only method whereby the peace of the county can be restored. As one deeply interested in, and anxious for so desirable an object, I take

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the liberty of again intruding on you and the public, and in the hope that those suggestions (though humble the person offering them) may even now, at the eleventh hour, have the desired effect upon the magistrates of this county,

I am, Sir, your obedient servant,

"Pat. Lalor."

Then, in answer to a question put to me by Mr. Lefroy and Mr. Gordon, as to the Kildare-place schools, there is a letter addressed to me by one of the inspectors of the society, showing a change in the system.

[*The Witness delivered in the following Paper :*]

"Nenagh, 20th April 1821.

"Sir,—I regret that the statement which I made to you respecting the Scripture lessons was incorrect, the society not considering the reading of them in school as complying with that regulation which prescribes the reading of the Scriptures.

"The society do not think the above rule complied with, except the 'Testament be read by all the scholars who have attained a suitable proficiency in reading.'

"I am induced to acquaint you with the opinion of the Committee on this subject, fearing the communication which I personally made should prove the means of any misconception.

"I am, Sir, your obedient humble servant,

"To Mr. Cassidy."

"Lewis Mills."

6663. Do you know of any instance of an association being formed similar to what you have recommended in your former evidence?—I am aware that in the barony of Carberry, where some very serious outrages occurred, a voluntary association of the landlords and people finally checked the outrages; some necessary expenses were incurred, and the great body of the farmers willingly concurred in a charge of 4 d. an acre to meet those expenses, and I have heard from the treasurer that hardly any farmer is in arrear.

6664. At what period was that?—I do not recollect the date; I think it was in 1822.

[*The Witness also delivered in the following Papers, in explanation of the objects and utility of the Traverse Society, mentioned in his Evidence :*]

"To the Grand Jury of the Queen's County, assembled at Maryborough Spring Assizes, 1832.

'The Memorial of Landholders of the Queen's County respecting County Assessments.

"Gentlemen,—For the fourth time we take leave to represent to you the unnecessary burdens to which the much impoverished landholders of the Queen's County are subjected, in consequence of county assessments, levied under your sanction and by your authority.

"We are not unacquainted with the laws which render your body the mere instrument of levying a tax for defraying the expense of the constabulary force in this county: we are not insensible of the abuses which exist, and are encouraged by the present system, under which the grand jury are compelled to present a certain amount, without the details of such expense being furnished, or any means by which the accuracy of the sums voted can be established, and to this very defective system we earnestly request your early attention.

"The salaries paid to the officers of the county, although in some instances reduced, are still much higher than is necessary to insure an efficient and correct discharge of the duties attached to such offices. We request to call your attention to the salary of 250 l. per annum paid to the governor of the gaol, which is much higher than the salaries paid in the adjoining counties.

"The salaries paid to the sessions-house keepers of Abbeyfeix, Borris-in-Ossory and Stradhall, have been frequently complained of, and are still, to the surprise of the landholders, continued at their present enormous rate.

"The salary to your secretary of 150 l. we deem unnecessarily high; several respectable, well-qualified individuals having offered their services, and testw-

Robert Cassidy,
Esq.
18 July 1838.

good security for the proper discharge of their duties, at annual rates of 8*s* 6*d* to 100*l*. per annum.

"Tenders have been made by respectable individuals, well recommended, and offering good security, to collect the county taxes at the rate of 4*d*. per pound. No objections to the individuals so tendering their services, nor to the solvency of the securities proposed, have been made, yet the grand jury, at the summer assizes, refused to appoint these individuals, and nominated others, who are to be paid 9*d*. per pound. This unnecessary burden on the landholders will not, we trust, be continued by the present grand jury.

"The system of supervisorships, condemned by the Legislature, will not, we trust, be persevered in. A reference to the sums expended will enable the grand jury to ascertain what unnecessary outlay has been made by supervisors. In some instances the outlay on roads, without much intercourse on them, exceeds the expense of repairs on roads which are much travelled on by heavy-laden carriages and drays.

"We think it right to state, that there exists a strong feeling of disapprobation at the manner in which the presentments to supervisors are laid out; one or two individuals being solely employed, and the repairs frequently undertaken in the shortest days, whilst the wages charged to the public are continued at the highest rate.

"We annex particulars of some claims on the county which appear perfectly unnecessary, and some which are deemed excessive. We request your considerate attention to these details, and trust the impartiality and judgment of your decisions will reconcile the landholders to the payment of rates, which in the present state of agricultural distress must prove inconvenient, and will be only paid willingly when the public are satisfied that they are not assessed to pay salaries and charges either totally unnecessary or much overcharged."

John Robinson Price, Esq., called in; and Examined.

John Robinson Price,
Esq.

6665. YOU are a magistrate of the Queen's County?—Yes.

6666. How many years have you been so?—Fifteen years.

6667. You are agent to some large properties in Ireland?—To three proprietors, Lord Lansdowne, the Ladies Fitzpatrick, and Colonel Warranford, all in the Queen's County.

6668. What do you consider to have been the causes of the late disturbances in the county?—I think you may divide the causes into two; the one I should call the remote cause, and the other the proximate and immediate cause: I think the remote cause of this as well as all other Irish disturbances may be attributed to the misgovernment of that country for centuries past, which has inflicted upon the minds of the people a deep-rooted hatred, I may say an almost invincible hatred, to the law (the lower orders of the people I allude to); the immediate or proximate cause may have commenced soon after the termination of the late war, when a revolution in property, from the fall of prices, took place, and which revolution produced in its course great discontent and great destitution by the destruction that it brought upon the industrious classes, and by the dismay and suspicion it filled the people with as to the security of their possessions.

6669. You mean the fall in the produce of land?—Yes; I attribute to the fall in prices, and to that revolution in property, great discontent and great destitution as the consequence.

6670. That is, that the tenants were rendered incapable of paying the rent they had bound themselves to pay?—Yes, certainly.

6671. And abatements were not made corresponding to the necessity of the case?—I think if abatements, that is, if sufficient abatements, had been made in proportion to the fall in agricultural produce, a great portion of the industrious classes might have been saved, and a great portion of the evils avoided; but I recollect the cant of the day was, "We are in a transition from war to peace; wait, and matters will right themselves;" but the landlord in the mean time took all he could get, and placed, in many instances, the residue to the account of arrears.

6672. He took his rent on account?—Yes, on accountable receipts; of course I except many proprietors: as agent to Lord Lansdowne, I am perfectly free from that imputation.

6673. Do you make any distinction between the proprietor of land and landlord?—

John Robinson Price,
Esq.
18 July 1832.

landlord?—In Ireland the term landlord is applied to everybody; but I call proprietors, men who have manors and hereditary rank; a landlord may be a middle-man. When I mention landlords, I talk of the general class of men who receive rents; and when I mention proprietors, I speak of men who have property and rank.

6674. Property in fee?—Yes; but there are many persons who have property in fee that do not take that care of their estates that the individuals I call proprietors generally do.

6675. Was it the practice during the war and high prices to underlet very much?—I think that both the landlords and proprietors were sapine, and suffered hard to be underlet. When the 40*s.* freeholders were in existence, they were a species of property; the landlord made use of them to carry his political projects, and he rather encouraged them.

6676. And since the war the state of things has led to a change in that respect?—Since the war there was a fall in agricultural produce; then the tenants became clamorous for an abatement (too much so probably), and the landlord was unwilling to give even a little; then distresses occurred; then rescues took place, and evictions followed; and then I may say, in many instances, the under-tenants who were not defaulters were turned out, as well as the middle-man who was a defaulter. If out of the class of under-tenants a proper selection had been made, this combination would not probably have existed. On the very borders of the barony of Ossory, on a noble lord's estate, an ejectment was brought against the middle-man: an *habere* issued, possession was taken, and the land was re-let to a Mr. Marum, not to the tenants in possession, which is the usual way, for the six months' equity of redemption. Mr. Marum defuded the tenants with the hope that he took that land for their benefit; but when the six months expired he turned out those tenants, and I am told he sold their household effects for the six months' rent; the consequence was, his cattle were houghed, and driven from the county of Kilkenny into the Queen's County for that purpose; for three years this system was kept up, and Mr. Marum was shot in the open day afterwards, in the midst of a dense population.

6677. Was this transaction accompanied by much general disturbance?—It ignited the whole of the barony of Ossory, so much so, that the barony was put under the Peace Preservation Act, with a resident stipendiary magistrate; and it induced 13 magistrates to assemble at Major Nicolson's, 11 of whom sent a requisition to the clerk of the peace to call a general meeting of the magistrates of the county, to place the barony of Upper Ossory under the Insurrection Act; that I think was about the year 1824 or previous, the disturbances having commenced in 1821.

6678. What followed this application for the Insurrection Act?—A very numerous meeting of magistrates assembled at Maryborough, and Lord Portarlington took the chair; various witnesses were examined from Ossory, but still the magistrates in *those days* did not think those disturbances sufficient to justify them to apply for that Act. I think it was during Lord Wellesley's administration, I opposed it.

6679. Was the character of that disturbance as serious as the late disturbances?—It was considerably worse than any disturbance that has taken place in the Queen's County since: it was accompanied by the burning of houses, the attacking of houses, levying money, and houghing cattle, and frequent murders occurred; and it never was put an end to until six men were hung, sixteen miles from Kilkenny (having been brought to the spot where Mr. Marum was murdered), and two at Maryborough. Since then that district has been perfectly peaceable; several of our police stations have been abandoned, and the men taken down to the lower end of the county.

6680. Ossory then has not been in a disturbed state since?—There has been intimidation and threatening notices, but no overt acts of violence to any great amount; arms have been taken, and some houses have been attacked.

6681. Was not there an attack on the house of Mara?—Yes; that was in 1831. Mara was a surveyor employed by me to survey hernt ground. The year before a man of the name of Wall, a Protestant, and an under-tenant, burnt a considerable quantity of ground upon the Ladies Fitzpatrick's estate; he took the land under the court, on the death of Mr. White. I surveyed the land, and summoned him before the magistrates, who fined him. The next year, notwithstanding, he persevered in burning double the quantity, and he gave it to be understood to

John Robinson Prior,
Esq.
18 July 1832.

the people, or to the Whitefeet therabouts, that if they kept off the fine and prevented the surveyor from effecting a survey, that they should have the quarter ground at 6*l.* an acre, or otherwise they should pay 10*l.*; in consequence a detachment of Whitefeet, who lived 10 miles off, were summoned, and this Wall supplied them with money; on their way they attacked the surveyor's house and fired into it; the surveyor's son fired on them, and wounded a man in the arm of the name of Robinson; the country people turned out next morning, and, assisted by the police, they pursued Robinson by the tracks of his blood, and they took him in a corn field concealed.

6682. How far off from Mara's house?—About two miles and a half. Robinson turned approver, and prosecuted three men to conviction, who have been since transported. That was the most important outrage which occurred in Ossory; they were brought from a distance, and had no possible personal interest with the transaction; they did not live in the neighbourhood; they had not taken any quarter ground; they came to do the job for Wall; the persons who attacked the house never saw Mara, and could have no interest in cheapening the quarter ground or injuring Mara.

6683. They were hired?—They were Whitefeet, sent for, and I suppose bound by an oath to go a certain distance, on being summoned by a brother; but the most important part of that transaction was Wall sending for them, and Wall being cognizant of their proceedings. Wall was tried and acquitted; the Rev. Mr. Caulfield, a Protestant clergyman, came to give him a character, considering him a religious man, but when he heard the evidence he went away, without being produced on the table.

6684. Did that appear on the trial?—Yes. Mr. Baron Smith, in discharging him, said, "that he was morally guilty of the blood of those men." Sentence of death was passed upon them, but with an intimation to the magistrates of the county, that if the county was tranquillized in the meantime they would be recommended for transportation; and the magistrates assembled in August, and recommended the sentence to be commuted, in consequence of the improved state of the county.

6685. On Lord Lansdowne's estate, have you had difficulties to contend with on leases falling in, from many tenants being found settled upon the land?—In the year 1830 I received the possession of 1,700 acres of Lord Lansdowne's estate, on which there were not less than 130 families located; this land was let to a middle-man in the year 1756; I had no difficulties from September 1830 to November 1831; there were 56 tenants deriving under the middle-man. I set the land to those 56 tenants and to others for six months only, to give me an opportunity to survey the land, and to divide it into farms; having so done, on the 25th of March following, I concluded my arrangements and grants under the new survey and divisions, after having reassumed the possession without opposition. Changes and considerable alterations were made; but instead of retaining only 56, I found it expedient to keep 85 tenants, and the remainder, as many of them as were willing, were sent to America, at a very great expense to Lord Lansdowne; the only condition was, that they were to throw down their cabins before they started. Those were not what are called the residents of the land, but in general persons who were evicted from other estates.

6686. Lord Lansdowne paid the whole expense of their emigration?—Yes; the old people who could not go to America he gave a sum of money to enable them to provide elsewhere.

6687. Was that an old lease?—Yes, from 1756. I was under the impression that no disturbance would or could occur, but in the beginning of this year such tenants as got possession of any portion of other people's lands were attacked at night, and obliged to give up or abandon the fields that they got thus, even though from their next door neighbours, though that next door neighbour got a field as compensation. However, since the termination of the Commission, those lands have been restored to their rightful owners, and I think order and law will prevail in future there, and be henceforward respected. Their present lease is only for five years, with an allowance of a quarter's rent for improvements, if done to my satisfaction; at the termination of which they will be entitled to have a 21 years' lease, with an eighth of the present rent abated permanently.

6688. What was the rent?—I employed Mr. Green to value the whole property, and I let the farms to the tenants selected, at Mr. Green's valuation.

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I referred to the composition book, and I found Mr. Green's valuation was an eighth higher.

6689. By composition, you mean the tithe composition?—Yes, I do; the tenants will not pay more than three quarters rent now, provided they lay out the other quarter in liming and other improvements agreed upon.

6690. You are of course acquainted with the manner in which lands are generally let in the Queen's County; what is your opinion of the rate of rent laid on by the description of persons you call proprietors?—I think it is generally moderate; and I do not think any land lets so high in the Queen's County as in Scotland. I was in Scotland last year, and on Mr. Dawson's farm, who pays 3,000 *l.* a year for 1,000 Scots acres of land, which I am positive would not let for 2,000 *l.* a year in the Queen's County.

6691. Are there any grounds of complaint in the Queen's County as to high rent?—I think under middle-men there are very justifiable grounds of complaint.

6692. In what respect?—Both as to high rent and strict and speedy collection.

6693. Are the middle-men a large class in the Queen's County?—They are latterly; they have not been much encouraged.

6694. The state of tenure in the Queen's County is very much by occupiers under the head landlord now?—Not generally; Lord Lansdowne's estate is entirely so, and Mr. Cosby's estate, and I dare say there are others; probably Sir Charles Coote's estate is thus held.

6695. It is increasing rapidly?—Yes, every day; every landlord sees that, and every tenant feels his condition and station in society is greatly improved and raised by deriving immediately under the proprietor.

6696. The habit of the country is to keep the tenants upon the land that are found upon the estate, if they are proper persons?—I cannot go that length; I have selected some who were discarded off other estates, and I have made them good tenants.

6697. They do not bring on strangers?—Sometimes they do.

6698. Not often?—No.

6699. Can a stranger safely come on?—I know of several large farmers brought from Ossory, and large farms set to them.

6700. Have they remained there?—They are there still.

6701. Was not that upon a tract of ground almost unoccupied before?—No, it was the prime land of the estate; the prime land was set to rich farmers, and the tenants were removed to the mountain district; that was the general report at the time. Several tenants took large farms there who came from the barony of Ossory (respectable tenants).

6702. You stated that the middle-man exercised a severe and speedy collection of rent?—Yes.

6703. How soon after the rent became due did he call for it?—On the Ladies Fitzpatrick's estate the leases have been for three lives; on Lord Lansdowne's, for 21 years. The short time excludes the land-jobbers very much; but on the Ladies Fitzpatrick's estate the lands have been re-set by some middle-men, and though we allow an indulgent gale, the tenant in possession is not allowed that indulgent gale.

6704. Then the Committee are to understand that the tenant in possession is what is called the English tenant, whereas your tenants are Irish tenants, and therefore the middle-man has half-a-year's advantage?—Yes, certainly; the middle-man in general pays the head rent; he will pay the last November rent with the rent which the tenant owed last May only; in fact, he contrives to keep half-a-year's rent always in his own hands.

6705. What measures occur to you as fit to be adopted by way of ameliorating the condition of the lower orders?—I think the first, probably, would be to remove all obstructions in the way of industry; secondly, I would enlist the moral feeling of the middle classes of society in favour of the law, because I think it is only by the middle classes that the lower orders can be brought to obey the law; and I do think that the great cause of discontent in the Queen's County is the great division there exists between the middle classes of society and the aristocracy.

6706. Define what you mean by the middle classes of society?—The intelligent farmers that do not desire to rank as squires, but who are respectable and intelligent country gentlemen. I do not know that the classes in society are so well understood and marked in Ireland as they are in England, but you understand me by what I say. I think that the great delay of the settlement of the Catholic

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303

question,

John Robinson Price,
Esq.

18 July 1824.

John Robinson Price,
Esq.
18 July 1832.

question, and the apathy and indifference evinced by the gentlemen of the Queen's County, generally, to the settlement of that question, and also the formation of Brunswick clubs upon the eve of that settlement, and the Reformation and Bible Society meetings, all tended to embitter and render the persons active in those meetings odious to the people, and to cause a separation between the parties; but immediately on the formation of the Brunswick clubs, the first open hostile manifestation of insult was offered to the gentlemen of the country when out hunting or upon the public roads; the countrymen pointed their spades at them and hooted them, when they knew them to be Brunswickers, and would scarcely get out of their way, and never saluted them.

6707. Those clubs belonged only to one part of the country?—In the barony of Ossory and in Mount Mellick I know there were Brunswick clubs formed, and the Brunswick feeling was very general.

6708. Do you conceive that any new laws are necessary to control the people?—Certainly not; I think there are laws in abundance for every possible offence and crime. I should say there are too many laws for the landlord; and as to the criminal laws, they are sufficiently strong; but I would suggest that the lord-lieutenant of the county should have the power, on the application of five magistrates, to order all alehouses in any particular barony or parish to be closed in summer at 10 o'clock, and in the winter at six; in fact, that was the order given at a former meeting, which led to a very calamitous event; it was an illegal order given by the magistrates then, but if made legal, I think it would be attended with good consequences.

6709. Do you conceive that the late Commission has succeeded in suppressing the disturbance; and from that do you derive any degree of proof there is no coercive law immediately wanting?—It has succeeded unquestionably, and has given ample proof that the laws were quite sufficient; and the convictions were so complete, that 38 out of 39 were found guilty, and the result has been that crime has almost vanished.

6710. Was not this measure delayed too long; did not the Government leave the state of things too much to themselves, without coming forward to assist the magistrates?—I know in Mountrath, when they were applied to for military, they sent the military there without delay; and I was told by the officer in command that they were there for a long time, and were not called out; this was in 1831. This year they were taken out to search for arms some time ago, and they got two or three old guns, and that is the only duty they have had to do, to my knowledge; and among others, they searched the house of Mr. Patrick Lalor, the agitator; and I must say that I do not think it was a prudent or a judicious measure to select his house to be searched, as he is a man with 600 or 700 acres of land, and, though an agitator, a very useful and intelligent country gentleman; his arms were registered.

6711. Immediately after the military came into Mountrath, was not there a murder committed in the market-place, and windows broken all along the road from Mountrath to Ballyfin; and were not there seven stand of arms taken out of one house immediately after the military came up?—Yes; but the question asked was, "Was the Government remiss in aiding and assisting the civil power?" I say they were not, for the military were sent to Mountrath immediately on the first application, and the police were augmented the same year. I am referring to the last year; the first detachment of military came in 1831; there had been disturbances from Mountrath to Ballyfin, but whether they were connected with the Whitefoot combination I do not know. I think the serving of threatening notices and the taking arms are offences of that description; but as to a murder in a public fair, that is not very uncommon; it is quite a different crime. The first appearance of Whitefoot in Mountrath, or the first introduction of them into Mountrath, originated in this way: there were two factions, the Bennets and the Bowe's; they fought at every fair and market, but the Bennets overpowered the Bowe's; Bowe went to Maryborough and had himself sworn in a Whitefoot, and some time afterwards the Whitefoot prevailed about Mountrath, and they vanquished the Bennets; the Whitefoot combinations are connected with fights and factions; at first their object was the raising of wages, and now they come forward to intimidate landlords, and more particularly tenants who take land over others.

6712. What, according to the last accounts you have received from the county, is the state of it?—When I left home, Mr. Jones, the chief constable, said he had not had one outrage reported to him from the termination of the Commission.

6713. Have

6713. Have you had letters since that?—Yes, stating that the country is quiet. I will read a letter I have received from a gentleman, a young barrister, and a considerable occupier of land.—“I sincerely believe the disturbances in this county originated in things produced by circumstances arising, not out of imaginary, but the real and actual wants and grievances of a population suffering and progressively deteriorating in a state of comparative misery and destitution. I am one of those who impute our present disturbed state in a great degree to the forlorn condition of many of our peasantry, as well as the indiscriminate eviction of small tenants, who are now the ostensible agents engaged in it, not perhaps altogether discountenanced by a higher class of farmers, who have so many just causes of complaining; among others, the total absence of community of feeling between them and those of a more exalted station in society, particularly grand jurors, who are not always selected in this county from among gentlemen of most influence or large tax-payers, or even their representatives, and hence probably has arisen the ‘Travelling Committee,’ peculiar, I believe, to the Queen’s County. I have this day got my bill for the last half-year’s cess, amounting to 39*l.* 9*s.* 7*d.* Really and truly, the demands on us of a public nature increase in about the same proportion that our means for meeting them decrease; my tithe and taxes are four times as much as my father paid for the same quantity of land when the prices of all agricultural and farming produce were double what they are at present. The Committee will find much difficulty in suggesting practical remedies to meet our necessities; much will depend on that moral influence at home which ought to dictate to our superiors a better feeling towards the hamlet.” This is from a young barrister, bred to the bar, and who has now turned his attention to farming a large tract of land.

*John Robinson Price,
Esq.*

18 July 1832.

6714. You have recommended the shutting up of public-houses; did not an unfortunate occurrence take place in consequence of an order to that effect some time ago?—Yes, it was in the furtherance of that order the police went from Abbeylisk to Ballynakill to clear the public-houses; when in the act of clearing them a homicide took place.

6715. What was the consequence?—Lord de Vesci was from home, and there was not a magistrate in the place at the time. As the police brought the parties who were in company with M’Daniel, the deceased, prisoners before me, I inquired into the matter, and I found there was a homicide committed, and I thought it my duty to ascertain whether any of the police were concerned in that homicide; in point of fact, I made prisoners of five or six of them. I then called a general meeting of the local magistrates, and we sent them to the inquest, and the verdict of the jury charged them with the homicide; they were committed, tried, found guilty, and transported.

6716. Where did this occur?—In the town of Ballynakill.

6717. Were any efforts made by the magistrates in favour of the police?—Yes; after the conviction took place, the magistrates, generally, of Queen’s County forwarded a memorial (I was one of two that refused to sign it) to have their sentence commuted.

6718. Did they subscribe any money?—Yes, there was a subscription entered into.

6719. Did the memorial produce any mitigation?—No; five out of six were sent off.

6720. Did they obtain any situation afterwards?—Yes, I have heard that some of them have obtained civil situations in Botany Bay.

6721. Did this produce any effect upon the people as to the administration of justice?—It produced a very hostile feeling to the police, and naturally reacted back from the police to the peasantry. M’Daniel was a farmer of some respectability; it certainly appeared very hard against the police at the time; there were eleven men engaged in striking down one; that is a good while ago, and the police are very much altered and improved since that occurred, for the better.

6722. Did that produce any hostile feeling towards the magistrates for the course they took upon that occasion?—I cannot say it did; the magistrates most active were not the local magistrates; it was the magistrates from Ossory that took the most active part in endeavouring to get the sentence commuted.

6723. Was the country more disturbed at that period than it is at present?—I cannot say; it was most disturbed from 1821 to 1824.

6724. That was confined to a particular spot?—Yes, it was confined to Ossory entirely;

John Robinson Prior,
Esq.

18 July 1832.

entirely; the magistrates ordered the public-houses to be shut at nine in Ossory, and at ten in the other baronies.

6725. You have mentioned the removal of the police from the barony of Ossory; did that occasion any complaints from the magistrates?—Yes; I have a letter to Lord De Vesci, which I will read; it shows the opinion of those magistrates who signed it upon the state of Ossory. The police were taken out of Ossory last year; four stations were stripped; we did not object to their removal, because we were comparatively quiet; but this year disturbances appeared in Ossory, and we immediately met and addressed this letter for the restoration of the police; those stations are now restored and completed. I will read the part of the letter I think important: "The barony of Ossory contains 68,200 acres of land chargeable to the county rates, and the whole constabulary force assigned to this extensive district does not exceed men; in other words, one of the county force is allotted to one-third of the county. We contribute heavily to the support of one stipendiary magistrate and six chief constables, and yet not an individual of either denomination resides among us, with the exception of Mr. Jones, a valuable officer, but whose position on the verge of the barony (added to the duty imposed upon him of devoting a great part of his time to the care of a separate district, formerly under the superintendence of the chief constable stationed at Maryborough) renders his services less available to us than might otherwise be expected from a person so active and intelligent in the discharge of his various duties. Another chief constable, who has the charge of the upper end of the barony, resides in another barony and at a considerable distance from us. We would further suggest to your Lordship's consideration, that several of the chief constables, and a very inordinate proportion of the men are stationed in towns. The chief actual use of police in towns seems to us to consist in the quelling drunken riots, and performing other services at this time comparatively unimportant. Most of the places we allude to are military stations, and are not in want of additional protection to that which the soldiers are capable of affording; but even if it were otherwise, we must regard it as a very great hardship and injustice that the police, who are fed, and clothed, and maintained exclusively by us, the landholders and farmers, should be withdrawn from the country where continual outrages and depredations are committed against our property, and to the peril of our lives, that they may be pent up in towns for the defence of persons who do not contribute in any degree whatever to their support.

"Under these circumstances and considerations, we respectfully call upon your Lordship to represent to the proper authority the evils which have arisen to this barony, from the present partial distribution of the constabulary force. We have never asked for military aid, nor for the presence of a stipendiary magistrate; we do not ask for them now, conscious that the resident magistrates are willing and fully adequate to maintain the peace of the county without such assistance. But in order that they may do so effectually, it will be absolutely necessary that they be properly supported by the civil power, that they be consulted more than has hitherto been the practice with respect to the allocation of that power, and that the force placed under their orders be in some measure proportioned to the extent of the district over which they preside, and to the taxes levied on that district for its support." It is signed by myself and five other magistrates, and several respectable landholders.

6726. You have stated that upon an estate of 1,700 acres you have preserved 85 families?—I have.

6727. Can you state how many acres those families occupy each?—They hold from one acre to 150, more or less; the larger I could make them the better; but I have some as small as one, 10 or 15.

6728. Do you find that a man and his family can exist upon one acre?—You must have labourers; the extinction of that class has been carried to too great an extent.

6729. How many acres do you think could support a man, supposing him not to be a labourer?—I think not less than 20; 10 might support him, but not in a comfortable way; and I should not have made them so small if I had not thought I should have ignited the whole population by turning them off.

6730. Can you state what has become of the families ejected from other estates?—I found many of the refuse of other estates located on Lugmacurran, and I got them off to America. I do not think evictions go on as rapidly as they did some years ago; but I think it is the apprehension and suspicion which exists amongst

amongst small farmers, that when leases fall out large farms will be created, that has produced this combination of the peasantry in a great measure.

6731. Do you consider that any landlord can now dispose of any land that falls out of lease in the manner he wishes?—I am certain in any case (though there is comparative tranquillity) where evictions take place to any extent, the same system of insubordination must follow.

6732. Do you think any improvement can take place where land is so overburdened with population?—I think there is opportunity to employ the people in Ireland if there was capital. I think it would improve an estate to increase the size of the farms according to the capital to be expended; but there is another duty which the landlord has to consider: he is not to excite a blaze in the country, and call upon the neighbouring landlords to pay for the abuses he may have created in the controlling or arrangement of his own property. I should have thought it right that the police should be paid by the baronies, and not by the county at large; because in those baronies the gentry would be induced to come forward to preserve order, with the view to keep off the tax; now Ossory, as I said before, was not disturbed, yet there were 100 men added to our police, for which we pay our proportion, though we did not derive any additional protection.

6733. You have stated in the case of Lord Lansdowne's estate, that when you got possession you found upon it a vast number of persons who were not the immediate tenants of the original lessee?—Yes, more than double.

6734. Do you not consider it one of the greatest hardships to which the proprietor is subject, that he finds at the expiration of his lease his ground covered with persons unknown to him?—In the time of the war, when prices were high, rents well paid, and the 40s. freeholders were encouraged as a species of property, if the landlord, under those circumstances, stood by with folded arms, and did not use all his endeavours to prevent that nuisance, he has to blame himself for letting population accumulate; he had always the power to put a non-alienating clause in his leases.

6735. Suppose the clause was omitted, what power had the supreme landlord to prevent the sub-letting?—He had no power to prevent it, but I do not think the landlords objected much to sub-division till they found that population had swallowed up all the produce of the land.

6736. Is it your opinion that the clearing of estates, and the consolidation of farms, has been pushed to too great an extent?—I think, under the circumstances, it has; there is no employment for the poor, and a conviction rests on their minds that a piece of land is necessary to existence. I certainly think that the disposition of the landlord, and the interest of the landlord, was sufficiently active and alive to carry on the work of depopulation gradually, and I do think he was aided, assisted and enabled to carry on the system with greater velocity by certain acts of the Legislature, such as the Civil Bill Ejectment Act, which gave a very summary process to the landlord, the distraining of standing corn, the Joint Tenancy Act, the Absconding Tenant Act, and the Sub-letting Act, which though it did not turn any one out, it kept them from getting in when out; and last, not least, the disfranchisement of the 40s. freeholders, which I think, and I am certain, broke the last link of connexion between the landlord and the pauper tenant.

6737. In the letter you have put in, it states that 39*l.* was paid as the half-yearly gale of the county cess; do you know to what number of acres that applies?—I know the gentleman has 600 acres in his possession, but that gentleman, before the composition, paid but 5*l.* 5*s.* a year for his tithe, and he pays 45*l.* now.

6738. What is the usual county cess per acre?—I have a table of the county cess for the last five years, and it is a very curious fact, that the baronies the most disturbed pay the highest rate of tax. Here is Cullinagh, for the last five years their baronial tax for 18,324 acres, amounted to 4,536 *l.*, while in the barony of Upperbow, the taxation is only 2,111 *l.* for 22,534 acres; in Slievermarigue, for the last five years, the taxation amounted to 4,469 *l.* for 12,680 acres, while Timburchin taxes amount to 2,715 *l.* for 15,500 acres; Ballyadams, the most disturbed of all, 2,953 *l.* for 12,140 acres.

6739. In those baronies of Slievermarigue, and Ballyadams, and Cullinagh, is there not a very considerable coal earriage, in consequence of their vicinity to the collieries?—Yes, in Ballyadams there is, and in Slievermarigue.

6740. May not this circumstance of the great inequality of the county cess in these

John Robinson Prier,
Esq.

18 July 1832.

John Robinson Price,
Esq.
18 June 1832.

those different baronies be accounted for by the circumstance that a great portion of the county cess is for the police, the gaols, and other objects that the grand jury have no control over?—That would affect all the baronies alike, as it is levied off the county at large, but the local taxation is not increased thereby. In Colleenagh, the barony tax is 2*s.* 4½*d.* an acre per annum, while at Upperwoods it is 1*s.* 10½*d.*; in Maryborough it is 2*s.* 1½*d.*; in Tinnehinch it is 2*s.* 2½*d.*; at Clarmallagh it is 2*s.*; in Slievermarigue it is 2*s.* 9½*d.*; at Clondonagh it is 2*s.* 1*d.*; at Portashinch it is 2*s.* 3½*d.*; at Ballyadams, 2*s.* 6½*d.*; at Stradbally it is 2*s.* 3½*d.*; at Maryborough West, 2*s.*, on an average of five years.

6741. Has not the county cess, in point of fact, increased much of late years?—Yes, very much; we built a very expensive gaol, and three court-houses, very expensive, and unnecessarily so in my opinion; and the police has been increased; all those things have tended to increase it; then there have been court keepers appointed, and an extravagant system of government in the gaol; our governor gets 250*l.* a year.

6742. In your evidence you stated that the police were very much altered since the business that took place which made them so very unpopular?—Yes, greatly improved for the better; I think that the police, generally speaking, are a very good body of men, but they might be made better.

6743. You stated you were in the receipt of the rents of Lord Lansdowne in the Queen's County?—Yes, from the year 1820.

6744. Are they paid in cash in general?—By the small farmers in cash, and by the large farmer in general by his own notes or bills, payable in Dublin.

6745. Do you demand any discount?—Yes, I discount them at the bank myself afterwards.

6746. Is the acceptance of those bills considered an accommodation by the tenants?—Yes, a considerable accommodation; they have time to sell their cattle and thrash their corn, and to bring them to market when the price is high; they could not pay without this accommodation. During the war they paid in cash; since that they have not, except a few.

6747. In managing the estate of Lord Lansdowne, do you allow for building or any permanent improvements?—We allow 10*s.* in the pound for building improvements, on the plan being approved of.

6748. You mean 10*s.* in the pound rent?—No; a tenant of 100 acres requires a house, say of 100*l.* value; we pay 50*l.* on its being completed. The tenant of a larger farm may require a house and offices costing 500*l.*, then we give 250*l.*

6749. The lease is only 21 years?—Yes, or a life.

6750. In arranging the rent, is this plan of building taken into consideration?—It may at the time, or not. I am always anxious to get a resident tenant.

6751. You are of opinion that this system of assisting the tenants in building with a short lease, is better than the old plan of a long lease with no assistance?—Yes; I think the short lease drives the forestaller of land out of the market; the land jobber will not take the land on short leases.

6752. Has not the system of sub-letting led to a great deal of discontent?—Yes; and the under-tenants seeing how superior the situation and comforts of those who derive under the head landlord, are endeavouring, by all their means, to get rid of the middle-men.

6753. You would not say the disturbances of the Queen's County were owing to the misconduct of the upper gentry?—Certainly not owing to the great proprietors in general.

6754. Is there not a strong contrast in general between the management of farms held under middle-men, and the management of farms let under the head landlord?—Decidedly.

6755. Is there at present sufficient confidence in landlords on the part of the population of the country to take farms at so short a lease as 21 years?—Yes, I think there is among the middle classes of the people; the higher order of farmers would not do it, but the middle classes would, and of necessity must.

6756. On the expiration of the leases on Lord Lansdowne's estate, has he usually renewed in favour of the occupying tenants?—Yes, always, and sometimes before they fall out. I have re-set the whole of Lord Lansdowne's estate in Queen's County; Lagga Curran, on which I found 130 families, will furnish some good tenants in the course of time, with care and kindness; and I attribute the not finding much opposition there to the fact, that they knew I was not bringing in strangers, and the confidence this system has created on that estate.

6757. Do

6757. Do you think the plan adopted by Lord Lansdowne, of giving one-half for the building of houses, is a better plan than if he gave the whole sum and charged a higher rent?—Yes, because the work is cheaper done in the first place, and the tenant feels greater independence by having his own money in part laid out, than having it all done by the landlord, and his rent increased.

6758. Is that course usually adopted in other parts of the country?—I think it is to a small extent; the late Mr. Cosby gave assistance as far as timber and windows and doors, and to the smaller description of cottage, but it has not been carried to as great an extent as by Lord Lansdowne in raising up a superior order of tenants, with slated houses.

6759. Would it not be better if the landlord, having a greater command of skill and capital, was to build the whole of the places himself, than leave it to the farmers, who have not capital generally to go to the expense of making permanent improvements upon the land?—Yes, it might; but the tenant has his own horses and his own carts, and he can make the money go further. I dare say in those cases the tenants do not expend as much as they say.

6760. Is there any hostility in the county generally to middle-men?—Certainly.

6761. Are they known to be more harsh in their conduct towards the tenants?—The only disturbance on the Ladies Fitzpatrick's estate that occurred was between the middle-men and their tenants, and one great outrage occurred lately in consequence of a middle-man turning off a tenant, and bringing in another.

6762. Is it not very usual for one or two or three middle-men successively under each other to hold land and reside at a distance from it, and at the same time exacting very high rents from the occupying tenants?—Not so deep as that, perhaps.

6763. Does it not occur to you, where there is so little interest as must exist on the part of a middle-man in the permanent improvement of the estate, there can be very little attention paid to the tenantry, and they must be reduced to great destitution, and feel considerable hostility to such a body?—I think the tenants in such cases are neglected by all parties; the landlord does not recognise them as his tenantry, and the middle-man does not care about them, but to take all he can get.

6764. Is it not the tendency of the Sub-letting Act to exclude the middle-men from the possession of the land?—It has that effect; there can be no middle-men if there is no sub-letting.

6765. That being the case, do not the occupying tenants of the country consider the Sub-letting Act material for their interests?—It has been grossly misrepresented to the lower classes; they have been told it turns off people; it turns no one off, but it keeps them out, and the poorer tenantry are more aggrieved by it, because, when they are turned off, there is a difficulty to get a place to build a cottage.

6766. Would it not be a great advantage to the occupying tenant if the Sub-letting Act did turn out middle-men?—I think it would improve the tenantry certainly very much; I think it would render the competition for land less, and bring down the market price of land, and narrow the competitors for land in the market, and of course have the effect of reducing the saleable price of land.

6767. What is usually the rent of a house in the district in which you live?—The landlord never takes into consideration the house on a farm.

6768. What description of houses are those houses that Lord Lansdowne builds?—They are all slated and two-story houses, a good parlour, bed rooms, kitchen and offices.

6769. Is every house he builds upon his estate of that description; are there not many inferior?—Yes; we have tenants of every description; some hold from 300 to 700 acres, and others from 5 acres to 20 acres.

6770. Are there any as small as cabins?—No; except on Month, which is very minutely divided.

6771. What is the average sum you allow for building?—The highest is 250 £, and the lowest 25 £; but on Laggacurran, we shall require a smaller description of house.

6772. Is the consolidating of farms going on to any great extent in your parish?—Yes, I think it is; not but there is a great apprehension that it is the determination of the landlords to adopt that system.

6773. Would it not be desirable to have a variety in the size of farms, from the large

John Robinson Price,
Esq.
18 July 1834.

large farm to a smaller size?—I think in the present state of Ireland it is impossible to avoid it.

6774. Do you conceive if property was so divided into small farms and larger, according to the skill and capital of the tenantry, that that would go a great way to satisfy the people in the country?—Not only satisfy them, but raise up a description of yeomen that would keep the peace of the country without the assistance of the police.

6775. Then the evil is not the consolidating the farms, but carrying it too far, which has produced this dissatisfaction?—That is a part of what produces it, but the destitution and poverty of the very lowest class of society who have not employment and cannot get land, it is with them it originates; and I think the combination in the Queen's County has been made use of in some instances, by a better class of farmers, to carry into effect their own objects: they are not looked on with that hostility that they would have been, if the apprehension did not exist that the landlords intended to create large farms, and to clear their estates.

6776. Have labourers in the Queen's County generally land attached to their houses?—In many instances.

6777. Is it considerable?—An acre.

6778. Under whom did they generally hold?—The general practice of the farmers is (a bad practice, the commutation of land for labour), to give an acre of bad land, to charge high rent, and to give low wages.

6779. Does not this produce great dissatisfaction and poverty among the people?—It leads to great destitution, and it leads to crime.

6780. Would it not be better for the labourers to hold a portion of land under the head landlord attached to the house?—Yes; it would be better for the landlord to say, "How many labourers do you want? they shall not hold under you;" that plan is recommended by Martin Doyle.

6781. You would have a colony of labourers upon the farm, that the farmers might employ as they thought necessary?—Yes; but I think the Scottish plan is better, the plan of lands; they give them a portion of the crop; they give them so many bolls of corn, so much wool, so many yards of drilled potatoes, and 4*l.* or 5*l.* in wages; and these men are all rich.

6782. Where this plan has been acted upon in the county, has not that part been less disturbed than others?—Yes; in the village of Castletown, I and others there employ many men, and there is very little disturbance; they are all in full employment; wherever you find people in full employment you find them contented.

6783. The question went to the mode in which they were to be found full employment?—I do not know of any estate that has adopted that principle of taking labourers, as labourers, for tenants.

6784. Is there anything on Lord Lansdowne's estate approaching to it?—No; except that we have set very small divisions to meet the exigencies of the numerous families on it.

6785. Would it not render the tenant much more independent of the exactions of farmers if they were so placed?—Yes; because they do not get constant employment in the winter season, and their accounts would be better kept in paying them in money instead of land; you can select better men and more satisfactory workmen, and the latter are more independent.

6786. Is it not usual in some parts of the Queen's County to pay labourers by means of grand jury presentments?—No, not labourers; I have heard of instances where the tenants of grand jurors, or of the gentlemen getting presentments, and that the landlord receives this money from the treasurer without it passing through the hands of the deputy.

6787. For what purpose is it done?—I remember talking to a tenant who complained sadly of the rent of a farm he had from a friend of mine; he held another farm from a grand juror; I asked him, "*Why do you press my friend for an abatement, who can so ill afford it, when your other farm is dearer?*" The answer I received was, "He gives me an easy way of paying the rent."

6788. Do tenants, notwithstanding, complain of the grand jury cess?—Yes, they complain of it in every direction.

6789. What did you understand by "easy way," "I never have to pay him a shilling?"—Getting roads to make by presentments.

6790. Do the lower class of people find any difficulty in obtaining presentments

ments for roads that would be an accommodation to them?—Yes, they do; in fact a great deal of the county cess is swallowed up in supervisorships, which can only be given to gentlemen of 500 *l.* a year.

6791. Have you ever found it difficult on any part of the estates under your management?—No, not often.

6792. Is not the grand jury composed very partially in the Queen's County?—Yes, I think they are; there are some baronies contribute a greater portion of grand jurors than others; the barony of Portmahinch contributes from seven to 10 on the grand jury.

6793. Are its inhabitants and gentry in proportion to that number?—The number of acres is not in proportion.

6794. But the number of gentry who inhabit the barony?—Of course they must live there.

6795. But though that barony sends a great many gentlemen to the grand jury, has it not a large portion of gentry?—Yes, it has.

6796. Have not those gentlemen who represent Portmahinch property in other parts of the country?—Yes, some of them; I believe one only.

6797. Do you think that grand juries ought to be the representatives of the gentlemen or the land of the country?—They ought to be the representatives of the cess payers.

6798. Therefore, though a greater number of gentlemen may reside in a particular barony, that is not a reason that the greater number of grand jurors should be selected from it?—No.

6799. Unless they have property in other baronies?—Certainly; but in this barony of Upper Ossory there are 68,000 acres, and the number of grand jurors is about three or four, who are called to serve.

6800. Are there not persons placed upon the grand jury who have no property at all in the barony?—I think there are some persons on the grand jury who have none, or very little property in the country, and there may be others, the connexions of large proprietors; there is one person who has only a house and farm, he has no estate in the county; and I know another who is to be the representative of a large proprietor, he is not the *hocr-at-law*, but he is the reputed representative of a respectable proprietor; there are other persons very respectable, but of limited property, and not identified with the tax-payers of the country, on the jury.

6801. It is made a matter of aristocratic influence?—The sheriff selects from the aristocratic ranks.

6802. You are aware the county charges are divided into the sums levied off the county at large, and the sums levied off the baronies?—Yes.

6803. Do you conceive that if the sum levied off each barony was allowed to be inquired into by a jury from the barony, and the sum left to the grand jury off the county at large, it would give more satisfaction?—I do not think it would, for a large proprietor might have the whole barony under his control, and be able to carry on his local taxation without opposition.

6804. But the persons to carry it on would be the persons to pay the tax?—They would be his tenants, and they would not oppose him. If I was their landlord, and I wished to carry any line of road through my estate, those tenants would not say, "*I will oppose you.*"

6805. In trying to correct the abuses belonging to road making, might it not be possible that the restrictions would lead to having very imperfect roads, that is, by having a class of persons having the power to settle the sum to be expended, without having an interest in the roads?—The money is not expended as it ought to be; it can scarcely be worse.

6806. If the party who had to decide had only to use the road to go to market, might it not happen that the present good roads would become deteriorated?—I have no doubt they would, if it was to be at the will of the tax-payer; but I think that the tax and the cess fall very unjustly on the tenant. If I was to suggest an improvement in the grand jury laws, it would be this: I would have the whole tax levied off the county at large, and by this means I would insure the eyes of 23 men in the grand jury-room over the expenditure of that tax. I would have it divided into two portions, the one for all necessary and temporary works, to be paid for by the tenants; in this I would include the repairs of roads and bridges and the charge for police, for every man has an interest in the security of his person and property; but in the permanent and prospective improvements,

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J. de K. P. & Co.
Esq.

18 July 1832.

John Robinson Price,
Esq.

18 July 1892.

I would include all permanent works, the gaols, the new courts, and all new lines of roads and new bridges, to be allowed by the landlord in the discharge of rent. I have been seldom on the grand jury, but I have seen, when the county at large cess is under consideration, all the gentlemen in their seats, but when they come to the barony-tax, one gentleman goes and speaks to the chairman, and and it is all done "*sub silentio*," probably very well.

6807. Has it not already been under consideration?—Yes; but what they complain of is, being taxed for permanent improvements. Mr. Cosby made a great line of road through his Timahogue estate, it came up to Lord Lansdowne's boundary, and Mr. Cosby said to me, "You must go on with it now," so away I went, and carried it through the estate; this road, thus made at the expense of the tenants, enhanced the value of both estates when they fell out of lease, and raised the rent considerably on those very tenants who contributed to the making of it; this system ought to be put an end to. Lord Lansdowne is now making all his own private roads upon his estates at his own expense.

6808. Do you not think, after all, the most important check is the check of election?—Certainly; and I have provided for that in this plan, the substance of which I have already stated.

6809. What do you call prospective improvements?—Permanent works made now, which improve the property in future, and the inheritance.

6810. Would you not recommend that all the proceedings of the grand jury relating to the finance of the county should be public?—Yes; I see no reason why they should not.

6811. You have not stated, that you would recommend that any grand jury or a board similar to it should be elected?—I would give the grand jury the power of deciding on the necessity of the work before them, having nothing to do with the selection of the persons to execute the work; I would transfer that to a board in each barony, to be elected by the cess-payers.

6812. Would it not be a more simple mode to have a board elected for the county at large, to decide upon all matters relating to the collection of the tax, and the appropriation of the tax?—It might be more simple, but I do not know that it would be so effectual.

6813. Does it not occur to you, that there is a great anomaly in the present system of grand juries, arising from the different size of the counties, the counties varying, and the grand juries being confined to 23; are there not occasionally parts of counties omitted in large counties, while in the small counties they are more than necessarily represented?—Yes, I think so.

6814. Would not that defect be obviated by the system of representative boards?—I certainly think it would so far as taxation went, but the great difficulty is in securing the attendance of a respectable grand jury; if you take away the management of the roads altogether, you may find it difficult to assemble an enlightened and efficient jury.

6815. Do you not think that heavy fines would insure the attendance of grand jurors in the same way as petty jurors?—Yes; but you could not do that with absentees.

6816. Could not that be remedied by this arrangement, that the county board should sit a few days previously to the assembling of the grand juries, so that there should be no necessity for the separation of the two bodies; and the same persons who sat upon the board, could also sit, if necessary, upon the grand jury?—That would be attended with great advantage, not only to the civil business of the county, but the criminal; for at the last commission, the grand jury were occupied only with the criminal matters before them; and it was much better done when they were not confused with other business.

6817. You do not think it would be proper that a judicial body like the grand jury should be elected?—I think not.

6818. Do you propose that those popular elections by the rate payers should take place twice a year?—No, once a year would do; but in the first part of my statement, I said you should have your grand panel finally and immutably settled.

6819. Would it not answer quite as well, if this system was approved, that they should be elected at the commencement of every Parliament, and dissolved at the dissolution of every Parliament?—I think that would be quite sufficient.

6820. Would not a great deal of the turbulence that would be apprehended be done away with by that means?—I do not think there would be any turbulence if
you

you adopted the mode which was and is adopted under the composition for tithes at vestry in your elections. I never saw any turbulence at a vestry assembled for the purpose of the Composition Act.

6821. In the course of the examinations that have taken place here, allusion has been made to a subscription that was applied for to assist in quelling the disturbances; have you anything to say upon that subject?—I recollect refusing to subscribe on my own part, and for Lord Lansdowne. I wrote to Lord Lansdowne, of course, upon the subject; it was at the time Robinson was taken and tried; I wrote the refusal after the police had been increased, and the military sent into different parts of the country, and after the appearance of order was commencing, and that appearance of order is proved by the fact that the magistrates did recommend those three men under sentence of death for a commutation of their sentence.

6822. Were the subscriptions that were levied disbursed by the police officers? —Mr. O'Reilly was the secretary, and he applied to me.

6823. The distribution was conducted by Mr. Wray, the police magistrate?—Yes, the first subscription was; it was to him I paid it; I do not know the reason the magistrates had for not calling up the whole of that subscription; one-fourth, I believe, was paid.

6824. Does the opposition to tithe extend to the barony of Ossory?—Yes, through the whole of the county; but that has nothing to do with the Whitefeet association; the Whitefeet association are ready to make that a focus; they embrace that as they would every other opposition to the law; but the Whitefeet association commenced before the opposition to tithe took place.

6825. Do you believe it would be possible to collect tithe now?—I think it very improbable in its present shape: I do not see the possibility of collecting it; at the same time I must say it was not so difficult in the King's County, as I have heard that the tithe of the parish of Kennilly was paid up to the 1st of November last; and I asked how it happened, and they said the clergyman was so excellent a man they had paid it to him; his name is the Rev. Mr. Travers.

6826. Is that parish under the composition?—Yes.

6827. Is there the same objection to the composition in the Queen's County that there is to their paying tithe in kind?—Fully as great; I received by impropriation tithe for the Ladies Fitzpatrick, but I do not get it now.

6828. Do you think it would be as difficult to levy under the composition?—Yes, there are other and different parties aggrieved under the Composition Act: the composition relieved the poor man's potato garden, but it did injustice to the grazier; it operated as an *ex post facto* law. If I take a hundred acres of feeding land, and I agree to give 300*l.* a year for it, I take it upon the supposition that I have no tithe to pay, nor have I any to pay except for my herdsman's garden; and after a time a law is made, and I must now bear my portion of the burthen in supporting the parson, and in alleviating the burthens of the poor man, though I have increased my rent on account of having no tithe of agistment to pay; and this was caused by the spoliation committed by the Protestant proprietors of Ireland on the church property in 1734, when the agistment tithe was removed.

6829. Was not the parish, in which you state the opposition to tithe first originated, under the Composition Act?—Yes; the opposition to tithe would never have been so efficient or formidable as it now is were it not for the Composition Act, because it converted the grazier, who was an intelligent man, and a man of influence and some weight, into a powerful opponent; the poor man was relieved by the composition, and he has no justifiable cause to complain on that score; and I do not think it ever originated with the poor man to oppose tithe latterly.

6830. Then there is an entirely new class of opponents of a better description? —Yes, who have more power than the former class.

6831. This new class is of the upper description of farmers?—Yes.

6832. There are two classes brought together both equally hostile to tithe in consequence of the Composition Act?—Yes, in consequence of the Composition Act, as well as from paying a clergy from whom they think they do not receive value for the money paid.

6833. If the landlord was made to pay tithe in the first instance, would not that probably add a third class?—I think it would be very dangerous to tie the dead curcuss to the living body.

6834. It would be to tie tithes to rent?—Yes.

6835. Are you aware that the people petitioned for the Agistment Act, or was

John Robinson Pratt,
Esq.

19 July 1831.

John Robinson Prior,
Esq.
18 July 1838.

it a measure simply introduced by the Protestant ascendancy party?—It was a measure of the ascendancy party, but it was not law till the Union; the Irish Legislature passed a resolution, that any lawyer or attorney who would take up a suit to sue for agistment tithe was guilty of a contempt of the House of Parliament, and the church was driven into the potato garden to seek for compensation. It became law at the time of the Union, when a great proportion of the proprietors went from Ireland; and after letting their grass-lands and domains agistment tithe free, and of course getting an increased rent, they finally determined upon a plan to relieve the poor at the expense of the grazier, by the virtual restoration of agistment tithe. The Catholic party had nothing to do with that measure; they were not represented in Parliament.

6836. Is it your opinion that under the agistment law the grazing land is in the same situation as lands tithe-free?—There were more pasture lands in those days.

6837. They were tithe-free?—No, they were not.

6838. After the agistment law, were they in the same situation as tithe-free land; do you consider that, being exempted, they were in the same situation as abbey lands?—No, because if they were brought into cultivation they were subject to tithes; it might encourage the increase of grass-lands, and that was the object.

6839. Do you consider that the first enactment of the Tithe Composition Act, which repealed to a certain extent the agistment law, was an infraction of an article of the Union?—I think it was an infraction of the compact of the landlord with his tenant in certain cases.

6840. You have stated that the lower class of people would not have resisted tithes of themselves?—I think not.

6841. From whence do you draw that conclusion?—Because I always heard in my conversations with them that they considered they received great benefit from the composition; they have certainly no hostility to pay a church from which they do not receive any religious instruction.

6842. Might not that have arisen from the peculiar circumstances of the times, and wishing to confine themselves to the question of Catholic Emancipation, and apprehending if they meddled with tithes they would delay the other measure?—No, I think the boon was so great to the poor man, it would never have occurred to him. The parish of Clonana, when Dean Scott died, was for a long time without any person being appointed to it; a harvest passed before a clergyman was nominated to it: during this interregnum the bishop appointed two sequestrators to take care of the temporalities of the parish; the Rev. Mr. Harper and the Rev. Mr. Vosey were the two sequestrators, and they altered the mode of valuation in the parish; instead of taking the valuation by the acre, they took it by the number of barrels per acre; this produced great dissatisfaction, and it raised the valuation of the parish to 1,800 *l.* a year; and when Mr. La Touche was appointed, and entered into a composition, the bishop would not suffer him to take less than 1,500 *l.*, though the previous tithe owner offered to take 1,100 *l.*; so that changing the mode of valuation raised the value of the parish most enormously; and this parish, which had refused to give 1,100 *l.* a year to Mr. Griffiths, came to the resolution to give 1,500 *l.* a year to Mr. La Touche. That is a proof that the Composition Act was not looked upon as a bad Act then by the poor or small farmer. Mr. Griffiths farmed the tithe from Dean Scott at 500 *l.* a year, and he proposed to the parish to take 1,100 *l.* Irish, which the parish refused; and in a year or two afterwards they came into a composition with Mr. La Touche for 1,500 *l.* a year, and in that parish the opposition to tithe first commenced.

6843. The question was directed to the case of tenants not under the Composition Act, and whether they were not hostile to tithe, or if they did not express it, whether it was not owing to the particular circumstances in which they were placed?—They always were opposed to it, and they were severely dealt with; their acre of wheat or potatoes was often valued at 10*s.*

6844. Did they express their hostility by attacking tithe proctors?—I do not think there were any tithe proctors attacked in my neighbourhood, but at the time that Marum was killed there was a tithe proctor of the name of Beely murdered; he used to take their notes for the payment of tithe, and they murdered him to get rid of those notes.

6845. You say the bishop, in the case you have just mentioned, interfered to prevent 1,100 *l.* being taken?—Eleven hundred pounds a year had been allowed by

John Robinson Prior,
Esq.

18 July 1836.

by the bishop; it was then in other hands, but it was the new mode of valuation which opened his eyes, and he said, "As the guardian of the church property, you shall not compound for less than 1,500*l*." The former valuation was by the acre.

6846. Do you know any other cases of clergymen having been willing to compound with the parishioners for a certain sum, and the bishop not thinking it sufficiently high?—I do.

6847. How many cases do you know where the clergyman was anxious to compound for a certain sum, and the bishop interposed to prevent it?—I have heard of one in the diocese of Ferns.

6848. What is the case to which you allude in the diocese of Ferns?—It was the case of a small parish presented by Lord Lansdowne to the Rev. Mr. Townsend, and he was willing to compound with his parishioners for one-tenth of the rental, which was a very fair proposal; they did not come to an agreement, but the clergyman and the parishioners were willing to agree for 150*l*. a year; afterwards the bishop insisted upon his getting 200*l*, I believe.

6849. The presentation was in Lord Lansdowne's gift?—Yes.

6850. The bishop had no interest in it?—No, nothing beyond guarding the temporalities of the church.

6851. The 150*l*. upon that arrangement, how did that stand as to value?—It is not paid now, nor is it compounded for.

6852. Are you acquainted with the previous amount of tithes?—It was under 150*l*.; my uncle never received more than 130*l*.

6853. You stated that the lower orders would not, of their own accord, have resisted the payment of tithes; by what artificial means were they brought to resist?—I think they were ready enough to join, but I do not think they were first to begin the opposition.

6854. Who began it?—The first opposition in my neighbourhood was begun by Mr. Lalor, whose sheep were distrained and notice given for the sale of them: a military force came into Mountrath; no one bought; the cattle were driven to Smithfield, in Dublin, to be sold; they were not sold, and could not be sold there, and they were driven to Liverpool; after that the opposition became general.

6855. Had there been anti-tithe meetings before then?—I think there were meetings at which the subject of tithe was generally mentioned.

6856. Those were meetings called by persons denominated agitators?—Yes; I have been an agitator myself; everybody that has sought to remove abuses has been called an agitator; you cannot call for the removal of a grievance without being subject to the appellation of an agitator.

6857. Do you consider the course taken by those persons who called those meetings with a view to resist the payment of tithes, was a constitutional and fair course?—They do not resist any law, they act just as the Quakers do; and I never heard that the Quakers were accused of an unconstitutional course when they refused the payment of tithes.

6858. Do you think they have adopted nothing more than the Quakers' course?—I have not heard of any intimidation; it may however proceed from the Agrarian spirit of combination that exists in the country.

6859. Have you heard of any denunciation of persons who should purchase at tithe sales, or any speeches calculated to intimidate persons from purchasing at tithe sales?—I do not recollect that I have heard of any denunciations.

6860. Or of any intimidation being held out to prevent people purchasing?—I know I have paid my tithe; there have been notices served certainly, and I have heard of persons having their labourers turned out of their work; that has occurred.

6861. Have you ever seen any of those notices that were posted?—I heard them read at the assizes.

6862. Have you been present at any prosecution in which they came out?—Yes, the Ballynakill case.

6863. Have you any doubt they have gone much beyond the Quakers at those meetings, by that process of intimidation to prevent people purchasing, and preventing the law taking its fair course?—No doubt a monstrous show of physical force would be sufficient: I think that numbers of people assembling in that awful, silent manner, would cause intimidation to a great extent.

6864. Were you present when Mr. Baron Smith addressed some prisoners upon that subject?—Yes.

6865. Did he not lay it down distinctly that it was a conspiracy against the law,

John Robinson Price,
Esq.

18 July 1834.

law, and illegal?—Yes, he did; that an evasion of the law was a breach of the law; he dwelt considerably upon that.

6866. Have you seen any of the publications of Dr. Doyle, in which he recommended this system to be pursued?—Not a system: I have read a publication in which he said, he hoped their hatred to tithes would be as lasting as their love of justice.

6867. Have you seen any publication of his, in which he advised them to use all their art and ingenuity in resisting it?—Yes.

6868. Have you any doubt that the proceedings that have taken place were greatly excited by those publications?—I think they were accelerated, undoubtedly, but I know that they commenced before those publications were out; they commenced in Kilkenny and Mountrath before; in Mountrath it might not have been so soon but for the controversial sermons preached there in the church; and there was a new church built; there had been three new churches built within the last 30 years; it was considered, by the Catholic people particularly, as a church sufficiently good, having been built in the last 30 years, without taxing the parish for 1,500*l.* more to renew it; an appeal was the consequence; it was tried in Maryborough, and a good deal of excitement existed.

6869. I am not asking as to the local causes that may have aggravated it, but the question related to the general resistance to tithes in your own county and the neighbouring county, in which there has been a resistance to tithes, and the character of that resistance recommended by Dr. Doyle?—I think latterly there has been, but it was very gradual in the diocese of Ossory; out of Dr. Doyle's diocese, I do not think it was so rapidly diffused.

6870. Did not it spread very rapidly?—I think not till within these last ten months.

6871. Was not it of the same character as that which took place in his diocese?—I do not think there was any distress made, though if there had been, it would have followed the same fate.

6872. Were not the walls of the church that was pulled down examined, and found to be out of the perpendicular?—So I have heard.

6873. And was not it reported that the church would have fallen?—Yes, I believe it was.

6874. Was not it found also that the church was insufficient to accommodate the Protestant parishioners?—I think not.

6875. Are you aware of the number of Protestants parishioners?—No, I am not.

6876. Do you think 1,500 is over the number?—Fifteen hundred I am sure never attended the church at one time.

6877. If the curate has stated that fact, or the bishop of the diocese, would you believe it?—I certainly would believe any of the curates, if they said so. I know in the time of Mr. Griffiths, when he did the duty of the parish, I never heard a complaint of any want of accommodation.

6878. Is there much religious dissension in your part of the country?—In my part of the country none.

6879. Was not there a piece of plate presented to the Catholic clergyman of Mountrath?—No; but in my parish there was: a clergyman, Mr. Perrin, attended that meeting, and he subscribed to it; it was the Catholic curate of the parish who was promoted to the parish of Clough; but the disturbances were so great at Clough he resigned it; in fact he was driven out.

6880. Had this conduct of the Protestants a good effect on the population of the parish?—Yes.

6881. Was not Mr. Perrin the Protestant curate?—Yes, he was.

6882. Was it Mr. Perrin who was obliged to resign the parish of Clough?—No; the Roman-catholic curate.

6883. You have spoken of controversial sermons in the churches as having an unfavourable bearing upon the disturbances?—Yes, I have; I recollect to have heard of stones being pelted at the carriages of the persons going to church to hear those controversial sermons.

6884. Could you identify the religious animosities with the present disturbances in any form?—I think it has aggravated the disturbances: in the diocese of Ferns, where controversial sermons most prevailed, there disturbance and bitterness most prevail; in the diocese of Ossory we have had no controversial sermons,

or

or controversial meetings, and the Catholics and Protestants stand upon very fair terms. *John Robinson Price, Esq.*

6885. Do you consider the county of Kilkenny is free from disturbance?—
I do not.

6886. But in the county of Kilkenny you have had no controversial sermons?—
—I spoke of Ossory.

6887. You spoke of the diocese of Ossory?—The part I am acquainted with.

6888. If the county of Kilkenny is a disturbed county, and no controversial meetings have been held there, your former answer would not apply?—I believe in the county of Kilkenny there have been a great number of controversial meetings where Catholic leaders attended. I recollect one where Mr. Finn attended very well.

6889. Have those meetings been at any time complained of by the Roman-catholic people as a grievance?—Yes.

6890. In what form?—At one time at the quarter-sessions of Maryborough, during the assistant barrister presiding in one court, a Reformation meeting, or a meeting of that description, took place in the other court, in which were assembled a great proportion of the suitors of the court, and at that time some of the Catholics came to me to complain of it, and I addressed the chairman, Mr. Scholes, to tell him that I thought it highly improper that that meeting should be held, while the Catholic people were obliged to be in the open court, to hear the imputations that went forth upon their religion; the chairman considered of it, and called the magistrates into another room, who decided that it was improper, and we sent to the sheriff, Mr. Warburton, and he sent to the chairman of the meeting to desire them to disperse.

6891. Did you observe any results directly connected with that meeting of an unfavourable nature, as it regarded the peace of the county?—They did not appear in any tangible shape.

6892. Did you hear the Roman-catholic people of that neighbourhood complain of it as an insult to their religion, or as tending to irritate their feelings?—No, I did not; some of them told me it was very irritating.

6893. Are you acquainted with the fact that the meeting in question was crowded with Roman-catholics?—No, I am not.

6894. Would you be surprised if you were told that that was the fact, and that they expressed great satisfaction at the mode of proceeding?—I should be very much surprised, and if they expressed satisfaction, I should say that it was not sincere.

6895. You would think it unnatural?—That it was not sincere.

6896. Have the Roman-catholics expressed by petitions their disapprobation of Reformation meetings and Bible meetings?—No, not that I know of.

6897. You are not aware of any popular tumult that has been the consequence?—No, I do not think I am.

6898. Is it not the fact that the Bible societies still continue to hold their periodical meetings?—They used to have them more frequently.

6899. How are they attended?—By a very few; some enthusiastic people attend, who do more harm than good.

6900. Do you think that Bible meetings were subjects for petitions to Parliament?—No, I do not think the people would have come forward in that kind of way; it might have been better if they had.

6901. May they not go on for a length of time and not produce disturbance?—Yes, they may; I have also heard of tracts being distributed along the roads, and been taken up by the peasantry, and the persons who were supposed to have scattered them were pelted.

6902. You have stated that you think it would be better if there had been petitions presented against those meetings?—I think that the public indignation is carried off better by that sort of safety-valve than being kept rankling in the mind. I think public expression of opinion is always useful, when expressed without violence.

6903. Then why should not those persons disposed to hold Bible Society meetings be borne with when they do not force any persons to attend?—I think they should have perfect liberty to hold such meetings, provided they did not impute to other sects either superstitious or erroneous doctrines; it would be quite sufficient to confine their exertions to their own flocks.

6904. Do you conceive there was any objection to those anti-tithe meetings?—
I should

John Robinson Price,
Esq.

18 July 1832.

I should consider them myself objectionable. I have not attended anti-tithe meetings; I should like to see the tithe commuted, but I had rather have it done by an act of the Legislature, and preserved for state purposes, than have it removed by external force or passive resistance.

6905. Were not some of those tithe meetings held in the chapels?—I do not think there were many meetings in my county.

6906. Have you heard of any of those meetings held in the chapels?—Yes, I have; there were meetings in Ballynakill and elsewhere.

6907. Did not the priests attend at many of those meetings?—I am not aware of it.

6908. What have you heard?—I have not heard of their attending.

6909. Could the meetings have been held in their chapels without their consent?—Certainly not; but in the parish I live in, where those kindly feelings are engendered, there has been no intimidation about tithe, though there has been no payment; but I have heard that the Protestants have refused to pay tithes in Mount-rath as well as in my own parish. I have heard that they could not collect as much in the Protestant town of Mount-rath as would pay the curates.

6910. Is it consistent with your own experience that Protestants will not pay tithes?—I think some of them are equally hostile to tithes as Catholics.

6911. Generally speaking?—Generally speaking, not.

6912. The Committee heard it stated from a witness yesterday, that the general impression was that the conduct of the magistrates of Queen's County was partial; was that a correct representation of the magistrates?—I do not think it could be borne out; there is probably a want of confidence in the magistrates among the lower orders of the people, arising from their political principles; but in the administration of justice, though we differ in politics, we have seldom differed on the bench. I act with magistrates who differ with me *to the core*, but I think that in the administration of justice they are above suspicion.

6913. With respect to the assistant barrister, is there any foundation for a charge of partiality against him?—It never came under my observation; I have heard there were facilities given in the registration of votes to some, and obstructions thrown in the way of others, or some charge of that kind.

6914. The question was, whether there was any foundation for the charge of partiality against the assistant barrister, according to your experience, or what you could collect and could rely upon?—Certainly not; I have sat upon the bench repeatedly with him, and thought him anxious to do his duty conscientiously.

6915. You have stated that the disfranchisement of the 40 s. freeholders broke the last link of connexion between the landlords and the tenantry?—Yes, it induced landlords of a certain description (I am not talking of the proprietors); I think it broke down that kindly connexion that existed between those who were made use of for political purposes, and those who made use of them.

6916. Do you not think that that connexion had been greatly impaired, if not broken in upon, by the influence of their clergy, before the disfranchisement took place?—Most decidedly not; I think the clergy on all and every occasion have been instrumental, greatly instrumental, in inducing the people to respect their landlords and their superiors.

6917. I speak of the Roman-catholic clergy?—I am speaking of them too.

6918. Did they never use their influence for political purposes to influence the votes upon an election?—Pending the excitement of an election; they might do so during the struggle for emancipation.

6919. The disfranchisement took place contemporaneously with the Relief Bill?—Yes.

6920. You say while the Catholic question was pending, they might do so?—They would have done it, but they had no opportunity; we had no contest in the Queen's County. I recollect two contests, when Sir Henry Parnell and Sir Charles Coote and Lord Maryborough were the candidates, three gentlemen who entertained different political opinions, and yet there never was a tenantry so cordial in their support of the interests of their respective landlords; Sir Henry Parnell entertained one opinion, Lord Maryborough a different set of opinions, and Sir Charles Coote was then unpledged, and yet the whole history of the election furnishes proof that the tenantry did vote in their respective interests. I have no doubt that the Right Honourable Baronet lost many votes by

by his strong support of the Catholic question, from the Protestant party, and did not get an equivalent from the Catholic.

6921. Then is it your opinion as to the Catholic clergy, that before the disfranchisement of the 40s. freeholders they had not used their influence for the purpose of influencing votes at elections?—In the Queen's County they did not, for they had not an opportunity. I know an instance in which the Catholic clergy were driven to support the measures of the people, by the force of public opinion; the Catholic clergy did not, and have not had an opportunity of using their influence on the subject of votes since the year 1820.

6922. What do you say of the Clare election?—I am speaking of the Queen's County. I have no doubt that the Catholic clergy did use their influence, and were justified in using their influence in procuring the measure of Catholic emancipation.

6923. What do you say of the Waterford election?—I have heard that the Catholic priests interfered there; I do not know the fact, but I believe that the Catholic clergy in Clare and Waterford and Louth, where it became a question between an emancipating candidate and a non-emancipating candidate, did use their influence.

6924. Then that being the case, is it your opinion that the connexion between the landlords and the 40s. freeholders was not broken in upon by the influence of the Catholic priests before the Relief Bill was passed?—I am sure that they did break in upon it, no doubt, in those cases where it came to a point between a liberal and an illiberal candidate.

6925. Do you not think it was a very natural thing for both the Catholic peasantry and the Catholic clergy to refuse a candidate who asked them for their votes, when that candidate told them he would vote in Parliament against them and their interests?—Decidedly.

6926. In the case you have referred to, of the contest between Lord Maryborough, Sir Henry Parnell, and Sir Charles Coote, were not all the candidates favourable to emancipation?—Sir Henry Parnell and Lord Maryborough were; Sir Charles Coote's sentiments were not known at that time.

ACCOUNT showing the Gross Amount of Tax levied in each Barony in the Queen's County, for the five years ending 1831; also, the Average per Acre for the same periods; the Number of Acres in each Barony, and the Proportion of the Barony Charge to that of the County Charge on Barony.

BARONIES.	Charge on Baronies.	County Charge on Baronies.	Number of Acres.	Average per Acre.	Proportion. Barony. County on Barony.
	£. s. d.	£. s. d.		s. d.	
Collinstown - - -	4,536 19 1	6,642 3 11½	18,304	2 4½	1 to 1.5 parts of 10.
Churnishagh - - -	3,159 10 11½	7,715 18 5	23,287	2 -	1 to 2.5 -
Clonsilla - - -	3,215 18 8½	6,843 1 5½	21,079	2 1	1 to 2.1 -
Clonsilla - - -	4,469 10 5½	4,525 16 2½	19,880	2 9½	1 to 1. -
Upperwood - - -	2,111 5 8½	6,616 13 10½	21,534	1 10½	1 to 2.3 -
Portlincinch - - -	3,160 6 10½	5,135 8 9½	18,350	2 3½	1 to 1.6 -
Tarabinch - - -	2,715 5 6½	4,817 18 6	15,000	2 9½	1 to 1.8 -
Ballynema - - -	2,653 13 11	3,764 9 8½	13,140	2 8½	1 to 1.3 -
Maryborough West - -	2,583 13 1	4,847 6 3½	14,050	2 8	1 to 1.9 -
Stodally - - -	2,524 19 5	3,903 17 10½	15,550	2 3½	1 to 1.6 -
Maryborough East - -	1,906 19 11½	3,609 10 -	15,314	2 1½	1 to 1.5 -
TOTALS - - - £.	32,938 2 9½	57,864 6 -½	- - -	- - -	1 to 1.7 -
			184,938	-	-

The number of Acres here stated in each Barony is taken from Cahill's map of the Queen's County; but by the Collectors' Warrants there are only 164,326 Acres pay taxes in the County.

John Robinson Price,
Esq.
18 July 1831.

Jouis, 19^e die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Ensign *Melville Gore Matson*, called in; and Examined.

Ensign
Melville G. Matson.
19 July 1832.

6927. YOU belong to the 59th Regiment?—Yes.

6928. What is your rank?—An Ensign.

6929. You were lately employed upon a detached service at Castle-pollard?—Yes.

6930. Do you remember receiving an order to accompany a detachment of your men to the Roman-catholic chapel?—Yes.

6931. They were Roman-catholics of course?—Yes.

6932. Was that order a general order, or an order issued by the commander of the detachment, on his own responsibility?—I think it was a general order, but it was given to me by the commander of the detachment.

6933. You accompanied the men to the chapel?—Yes.

6934. What number?—Five or six.

6935. You considered that order laid you under an obligation to enter the chapel, and attend the service?—Yes, I did.

6936. Do you remember the particular conduct of the officiating clergyman on the first occasion of your entering the chapel at Castle-pollard?—I do.

6937. Will you state to the Committee, as well as you can recollect, the conduct of that clergyman?—I was ordered to accompany the soldiers to the chapel, and took my place in the gallery in the chapel: as soon as the clergyman came to the altar he looked round, and seemed rather surprised at seeing me there; he then went down the chapel to give the holy water to his parishioners; when he arrived opposite the gallery in which I was seated with my men he made a pause, and threw the water up to me, and waited for some seconds; he then returned to the altar, and called out "Who are those men going out of the chapel," "I will not allow the House of God to be insulted in this manner;" by and bye, "Boys, let them go to their own place of worship, I want no one here to overlook what I am saying or doing. I will tell you what it is, boys, the tottering fabrics of the heretics are falling about their ears, whilst the Catholic religion is rising in glory every day. Ireland was once Catholic Ireland, boys; it will and shall be Catholic Ireland."

6938. What did he allude to by the question "what men are going out?"—The door was underneath the gallery, therefore I could not see them.

6939. He did not allude to your party that was going out?—No, none of the soldiers certainly were going out.

6940. The party of soldiers with you in the chapel were Roman-catholics?—They were.

6941. What proportion of the regiment were Catholics?—I had only five or six men out of the detachment quartered at Castle-pollard.

6942. How many was that detachment?—Forty-three.

6943. Had this clergyman any reason to apprehend, from your conduct or manner, you were there as a spy, and not as a part of the congregation?—Not as I suppose.

6944. Were the men in the habit of going there with an officer?—Not before that.

6945. They had gone without an officer?—Yes.

6946. Did you attend at the chapel on any future occasion on the same service?—I went a second Sunday.

6947. State the whole of what passed on the first Sunday?—During that discourse a man brought him a letter, which he opened and read; he then turned towards the people, and said, "Boys, I have received an anonymous letter; I wish to tell the writer, if he is here, that I pay no attention to anonymous letters: this letter says, that a certain young man of a different religion, a few nights ago, in a public-house, cursed me; now," said he, "I tell you what, boys, I do not care if he has cursed me ever since; I do not care if the great man that lives in the large castle close to this town curses me; not from him to the lowest in the land."

6948. Will

6948. Will you state whether anything took place on the subsequent Sunday, when you attended on the same service?—I am not certain whether it was the Sunday following, or a Sunday intervened or not; but the next Sunday that I went he, in his discourse, said, "Boys, I shall require your attendance here half an hour after service to tell you, boys, what took place at the petty sessions last week, saving your presence."

6949. He made no allusion to anything that took place on that occasion, during the service?—No.

6950. Was it your impression he was elocked in doing so by your presence?—I cannot say that; he called them together after I left the chapel.

6951. What number do you think might have been present in the congregation?—I should think from 500 to 600 or 700; they stand very close; there are no seats down stairs; I speak to the best of my opinion of the numbers.

6952. Could you observe whether what he said seemed to make much impression on his audience?—It did; most of them looked at me, and looked up at the soldiers; the greater part of them.

6953. Did you observe anything particular in their manner at the time he threw the water to you?—I observed he made a pause, and looked at me for some time, I suppose to see whether I should conform to the Catholic religion; that was my impression.

6954. What did the rest of the congregation do when the water was thrown upon them?—They made the sign of the cross.

6955. You did not?—No.

6956. Do you think it was insultingly thrown at you, or in the ordinary way of sprinkling the congregation?—I do not think it was done to insult me; my impression was at the time, that it was to see if I should conform to the ceremony of their religion.

6957. Whether you would join the congregation in the observance of the ceremony?—Yes.

6958. Were you long quartered in that neighbourhood?—I arrived there in the commencement of January, and left it the 6th of March.

6959. During that time did any large meetings of the people take place upon any political subject that you know of?—No, not that I know of.

6960. What was the name of the priest?—Mr. Burke.

John Robinson Price, Esq., called in; and further Examined.

6961. I COLLECT from your Evidence that your district became perfectly quiet after the proceedings that were taken, during the administration of Lord Wellesley, to enforce the law, that is after the year 1824 or 1825?—Yes, precisely, immediately after the six men were tried and convicted for the murder of Mr. Marum; I think that district (Galmoy) has been perfectly quiet, almost universally, since.

6962. Was not the rest of the county generally remarkable for its peaceable character until within these last few years?—I do not think it was remarkable; I think there has been ever since the fall in prices more or less trouble and confusion with respect not only to distresses, but the re-possession of land, and I dare say a good deal of party feeling existed during that period, particularly in Mount Mellick and other places. I recollect particularly well the town and neighbourhood of Mount Mellick had been frequently and repeatedly disturbed by conflicting opinions as to an Orange flag or pole that was suspended there a long time, which certainly impeded the industry of the town; the brewers of the town took an active part, some on one side and some on the other, and for a length of time trade was paralyzed.

6963. Was the peace of the Queen's County disturbed, in anything like the manner it has been of late, from the year 1824?—The combination was not so extensive, but the barony of Ossory was more disturbed then.

6964. From the time at which you say it was pacified in 1824, was the general peace of the county disturbed or infringed in anything like the way it has been in the last two years?—Certainly not as to the whole county, and particularly this last year; I think the last two years may cover too much ground, for in the year 1831 it manifested itself only by threatening notices, and not by open acts of outrage, at least to an extent to create great alarm; there were acts of outrage committed; Lord Portarlington's steward, Mr. Clark, was fired at in 1831, which led to the increase of a hundred policemen.

6977.

314

6965. Then

*Esq.
Melville G. Nelson.
19 July 1832.*

*John Robinson Price,
Esq.*

John Robinson Price,
Esq.
19 July 1832.

6965. Then in the last year or 18 months outrage has increased very much?—Yes, by intimidation and threatening notices; but from the opinions I formed myself, as well as from the opinions of lawyers who go our circuit, I collect that murders have diminished in proportion as other crimes have increased. I have heard that murders have diminished in the same ratio as those agrarian crimes have increased.

6966. Is it your opinion that the actual commission of crime has diminished in the last year or 18 months, though threatening notices have increased?—No, I do not say that: I say that the higher orders of crimes, such as murders, have not been so numerous as they were before, but that a system of intimidation has been carried to very great lengths, showing itself not only by threatening notices, but attacking persons in their domestic affairs and in their houses, and, if those notices are not attended to, ending in murder probably; but it is my firm opinion that all this has reference to lands, to a suspicion, whether justly or unjustly formed, that the intention of the landlords is to create large farms; and that that suspicion has gained root, particularly with the lower orders, the cottier part of the population.

6967. Are you of opinion that the agitation that has been set on foot to oppose tithes has had nothing to do with the general disturbance and breach of the public peace?—Decidedly: I do not connect them together at all; one is a public, open avowal of hostility to tithe, no darkness, no secrecy; the other is, as I said before, a purely agrarian combination, existing before the hostility to tithes made its public appearance.

6968. And you think this aggravated by a conspiracy against the payment of tithe?—I think the combinators are willing to lend themselves to any illegal object: I think the combination of Whitefeet are persons that would rally round any focus of discontent or resistance to the law.

6969. Then of course you must suppose that the combination to resist the payment of tithe has in that way been instrumental in increasing the disturbance of the public peace?—I declare I cannot trace it so. Mr. Bailey who was shot, (I listened to his trial), I believe I was on the jury who convicted the murderers, but I really do not think it was because Mr. Bailey was a tithe-proctor he was attacked, but because he had arms, and had acted and resisted the taking of them: they came on Sunday to take his arms, and he beat them off, and I heard that Mr. Bailey boasted of his prowess and courage, and got great credit for successfully beating them off; but on the Tuesday following they came into the field and shot at him. About a year before he was proctor under the courts, but it did not appear it was because he was a proctor there was an hostility to him: this attack was to take his arms, and not to injure his person, in the first instance.

6970. If the same causes as respects land have existed since the fall of prices, how do you account for the great increase of outrage within the last year or a year and a half, if that increase wholly arose from causes connected with the land?—There have been from time to time combinations of the Derrigs and Cummins, and there have been combinations of the Shanavests and the Caravests. This Whitefeet combination is bound by an oath; I doubt if the former were bound by an oath, but they came into the Queen's County strangers, from the county of Westmeath, to work at the canal and the gaoil of Maryborough; it was a combination to raise wages, and afterwards they were made use of by other designing men, and they spread through all the Queen's County, and being bound by an oath they were found efficient for the purposes of intimidation.

6971. Had not those combinations existed many years before the year 1830 or 1831?—The whole tenor of my evidence goes to show that they had existed since 1815 in one shape or another.

6972. Then, as those causes have existed from 1815, the Committee ask you to account for the great increase of outrage in the last year or 18 months, by any peculiar causes, if it be not connected with the conspiracy against tithe?—I think there is want of confidence between the middle classes and higher classes of the people, which may have probably been increased by the long delay of the Catholic question, and by the agitation consequent thereupon, and by the apathy of the gentry of the country towards the settlement of that question; that may have increased it; but from 1815 to 1831 or 1832 the overt acts have always been directed against persons taking land, generally speaking; against wages in some instances, and farming servants; but I put these all down under the one head Agrarian.

6973. Did not that want of confidence to which you allude exist previous to the

the last year or 18 months?—I dare say it existed then, but it did not exist in 1819 or 1820. John Robinson Price,
Esq.

6974. Did it not exist as much previous to the last year or 18 months as in the last year or 18 months?—I think at the settlement of the Catholic question both parties retired from the contest, one sullen and mortified, and the other triumphant, and so they have remained ever since, without any community of feeling or interest.

19 July 1831.

6975. Then that healing measure did not produce the effects of pacification?—I think it was not allowed; I think the wall of exclusion is built up as strongly in the Queen's County as it was before the passing of that Bill.

6976. State what you mean by the wall of exclusion?—You do not see Catholics on juries; you do not see them in the commission of the peace; you do not see them on the grand jury; there are none perhaps in that station of life to be on the grand jury; and the petty juries have not the proper proportion of Catholics upon them. I do not impute anything to the characters of the juries, they are no doubt the best, but the impression is gone abroad that the Catholics were left out because they were Catholics: then the police force is composed almost exclusively of Protestants; there were 60 sent in from the north, and 55 were Protestants. All those circumstances tend to keep alive exclusion, although it is true the doors of Parliament are open.

6977. Had any circumstance occurred at Knocktopher that might have made it appear discreet, with a view to the public peace, to employ Protestants in the police?—I am not aware of the circumstances which occurred in the county of Kilkenny.

6978. The appointment of the 60 police lately, was that the act of the Government or the magistrates?—No, Sir John Harvey, the Inspector-general of the district.

6979. A late act of his?—Yes.

6980. Then how could that late act account for the disturbance?—I do not attribute any great importance to it; I only coupled it with the other facts.

6981. Would there not have been a great difficulty in the magistrates selecting persons, in the disturbed state of the county, to fill the situation of policemen?—I think not; I do not think the Catholics came forward to solicit it latterly.

6982. The magistrates did not attempt to do it, they left it to Government?—Yes, I believe so; but they very pertinaciously heretofore preserved their rights. The late Mr. Cosby wished to have the selection of the police transferred to Government; it was a favourite object with Mr. Cosby to take the appointment from the magistrates, and vest it in the Government or the Inspector-general.

6983. Do you conceive the selection as to jurors was a great cause of the outrages in the Queen's County?—No, certainly not; I mentioned that as a matter of complaint, and as a ground, with many others, to justify the suspicion the Catholics entertain that they were still excluded on account of their religion.

6984. Do you think that the outrages in the county have proceeded from the Catholics; do you think it has been a Catholic conspiracy to disturb the public peace?—I do not think that Catholicism has anything to do with it, but the bulk of the people being Catholics they are the principal actors in it.

6985. If you think Catholicism has nothing to do with it, how do you account for the dissatisfaction of the Catholics arising from the causes you have assigned?—I say you cannot govern the country, or the lower order of the people, without enlisting the moral feelings of the middle orders; it is by the middle orders that the lower orders can be made content and satisfied with the law; and I said, from whatever cause, the moral feeling of the middle class has not been called into activity.

6986. Do you think that the middle orders have been the cause of, or have joined in, this conspiracy?—I do not, by any means.

6987. Then how is it their feeling can account for the state of the county?—I do not say that their feeling could account for it; but their feelings in aid of the law have not been called into activity.

6988. You said just now that this conspiracy in the Queen's County is not a Catholic conspiracy; but you admitted, from the number of the Roman-catholics in the destitute class, that it was principally the Catholics; have you known any one instance of a Protestant being a Whitefoot?—I have; and one tried for it at the summer assizes 1831.

6989. As a Whitefoot?—Yes; Mr. Wall, a man who sent for them, and employed

John Robinson Price,
Esq.

15 July 1834.

employed them to attack the house of Morn, and who supplied them with money; and I know other instances where the Whitefeet have been sent for by one Protestant to intimidate another Protestant; that is the reason that I say those Whitefeet are made use of by designing men, who may not be bound by their oath, but who, by the agency of a servant-boy or understrapper in their employment, make use of them to carry their purposes into effect.

6990. Do you think that a man who so makes use of an existing evil, identifies himself with it?—Yes, I think so; I think he is worse; “the receiver is worse than the thief.”

6991. You cannot identify any Protestant with the Whitefeet, except so far as having made use of the body of Whitefeet?—Yes; Wall was tried in conjunction with three others; he was not convicted, but the Judge said he was morally guilty of the lives of the other three: he was indicted, not for a conspiracy, but for the attack on the house, and it was not proved by Robinson the informer that he was at the attack; but it was proved he sent for the men, and met them at his own house, and offered them a 30 s. note, which was refused.

6992. Who was that proved by?—Robinson the informer, who went to attack the house; Robinson was taken up by the country people, by a lad of the name of Kikfoyle; and he has since been put into the police, because he could not live in the country.

6993. Wall was acquitted?—Yes.

6994. And the only evidence of his having taken any part in the transaction was the evidence of Robinson, who was not believed by the jury?—Yes, he was believed; they found three men guilty on his evidence, who have since been transported.

6995. With respect to Wall they did not believe him?—The indictment was not sustained; he was indicted for an attack upon the house, but I believe it did not appear by any evidence that he was at the house: there were two Walls, I believe, really concerned in it.

6996. He would have been guilty, however, not of the offence of attacking the house, but of a very great crime, if he had been an accessory?—I think if he had been indicted for a conspiracy, he might have been found guilty.

6997. Was the Attorney-general at the trial?—No, Mr. Tickell was the conducting Crown lawyer.

6998. There were persons representing the Crown?—Yes.

6999. Did they hear the evidence?—No doubt.

7000. Have you any doubt, if they had thought the evidence sufficient to convict Wall, they would have taken that course that their duty pointed out?—No doubt they would have taken the course that their sense of duty pointed out; there must have been some absence of evidence, or there was some confusion as to the two Walls; but he was point-blank sworn to as that man who gave, or offered to give, money.

7001. Then your statement that a Protestant of the name of Wall was connected with a Whitefeet offence, rests on the evidence of Robinson the informer, given upon that trial?—Yes, I think it does; but all the circumstances connected with it showed that he must have been the moving spring, if not actually implicated.

7002. Did not all the circumstances that appeared to you appear equally to the counsel for the Crown?—Most decidedly; and I had conversation with the Crown counsel afterwards; they were most anxious to find him guilty. Mr. Corfield, a clergyman, a most exemplary clergyman of the Protestant church, came there, a distance of 20 miles, to give Wall a character; he attended to the trial, and when he heard the trial he went away without giving him a character; and I have heard since he would not give him a character in consequence, and that he was deluded into the belief that he was a religious man.

7003. Has it ever come to your knowledge that any Protestants were sworn into the combination?—No.

7004. Have you heard the oath?—Several oaths have been handed about.

7005. Did you hear the oath proved at Maryborough?—Yes, I heard the approver say that it was to support the Catholic cause, and against Orangemen.

7006. And against Protestants?—He said Orangemen, making the distinction which is generally made in Ireland between Orangemen and Protestants; it is a distinction that cannot escape any man conversant in Irish affairs.

7007. Was the evidence of that informer who gave that evidence as to the oath believed?

believed?—Yes, he was corroborated by other circumstances; of course he would not be believed without that corroboration. Convictions took place under his testimony, he being the principal witness.

*John Robinson Price,
Esq.*

19 July 1832.

7008. Will you be so good as to name any other Protestant that has been convicted or accused of participation in these offences?—I have no knowledge of any other convicted or accused. I know an instance where a Protestant tenant ploughed up a considerable number of acres of pasture land; the landlord remonstrated with the tenant for it, and cautioned him not to burn it, and notwithstanding that caution, I heard and believe that a considerable number of Whitesoet came there in the open day and cocked the peating, or prepared it for burning, and it was supposed those people would not come there without the tacit consent of the tenant; that was the inference drawn from it. I am sure I am far from wishing to make an impression that any considerable number of Protestants are connected with it, but I am asked as to the fact, and I am bound to state it.

7009. It has been recommended that armed associations should be formed of the whole mass of the people?—I think in the present state of feeling in the Queen's County, it might be a doubtful measure, until there is a more amicable and kindly feeling existing; unless you got the Protestants and Catholics to unite harmoniously in that association, I think it would only tend to perpetuate that feeling which the yeomanry, when they were called out, heretofore excited, and would again perpetuate. I should like to see armed associations of the tenantry acting under the landlord or proprietor.

7010. In that case who would you recommend to make the selection of the tenantry?—I do not know any so fit as the landlord, such men as Sir Charles Coose, and Lord Portarlington, and Lord De Vesci, residing there free from any prejudice that might exist against magistrates.

7011. Do you conceive that the magistrates, as a body, acting together with the landed proprietors, would be the fit persons to select such a body?—I would leave it to the proprietors.

7012. Are not the magistrates proprietors?—Some of the proprietors are not magistrates, and many of the magistrates are not proprietors. I would prefer attending to the recommendation of the great proprietors, being resident.

7013. Was there any attempt to form an association in 1831?—No, there was not, in my neighbourhood. I have spoken to Lord Lansdowne's tenants, and they were generally very willing to assist; I spoke to the priest of the parish, Mr. Cummins, and desired him to consult the people, and I found they were most willing; but it was a remote district, and near the Colliery district, and I thought that the arms should be put into a safe place, or they might be taken from them.

7014. There are very few resident gentry in that part of the country?—There was Mr. Moore, and Colonel Weldon, and several others.

7015. Do you think that being a magistrate is a sufficient cause to object to a man having a voice in the choice of these associations?—Certainly not.

7016. I collected yesterday from you that the Roman-catholic clergy of the Queen's County had not used their influence to induce electors to vote in any particular way at the elections?—There has been only one contested election since 1820, and they did not then exercise that power to any extent.

7017. Do you include the last election?—That was the reform election. I do not think that the priests took an active part; the popular cry of reform was raised to the highest pitch we could excite it; the clergy in my neighbourhood did not take an active part; I have heard some of them took a very active part elsewhere; they were all reformers, but some of them more ultra than others.

7018. When you say "we," what are we to understand?—I was and am an ultra reformer.

7019. Do you connect that with the agitators?—I was an agitator so far as propelling the Catholic question, and it was by agitation we succeeded, which I believe you will allow.

7020. Were you an agitator so far as opposing the payment of tithes?—No, I am rather on the opposite side; I think tithe is a public property, and ought to be preserved to the State, to be regulated by Parliament.

7021. Appropriated to any purposes that Parliament should think fit?—Decidedly; and I have great confidence in the present Parliament; I should be very sorry to malign them by supposing they would apply it to any improper purpose.

John Robinson Price,
Esq.
19 July 1831.

7022. Did not some of the Roman-catholic clergy of the Queen's County poll the tenants of Mr. Bowen against their landlord?—I rather think it was a gentleman of my acquaintance who influenced them.

7023. Have you heard of the circumstance of Mr. Bowen's tenants having been polled against their landlord?—Yes, I did.

7024. Have you heard it was done by one of the priests?—No; I did not hear that till this moment.

7025. Have you any reason to form an opinion about it, one way or the other?—No, not anything except what I heard in this room; I think the gentleman I alluded to did it. I had a conversation upon the subject; but several of the tenants voted against the wishes of their landlords without the interference of the priests.

7026. Do you recollect seeing the placards with the names of the parties for whom the voters voted?—Yes, and it was a most objectionable thing; I condemned it.

7027. What was the object of it?—To show the people those who voted against the popular feeling; to show who were their friends; I thought it an ill-advised measure.

7028. Was it with a view of bringing public odium against the men who voted against the public voice?—I should think it would make a man less popular. Mr. Baldon mentioned it first to me, and I went to the committee-room and protested against it.

7029. Did you happen to attend at the place of election?—I did.

7030. Did many of the Roman-catholic clergy attend?—Not a great many, some of them did.

7031. Did they appear to take any part about the election?—Not at the hustings.

7032. In the town?—I do not think they did; they did not come under my observation.

7033. No circumstance occurred to induce you to think they took any part?—No; I have always maintained that they were very inert upon the occasion, and it was an opinion of mine that we would not succeed, inasmuch as the Catholic clergy were supine; I had expressed that opinion repeatedly.

7034. You would be an advocate for their exerting their influence?—I am not an advocate for depriving the landlord of his legitimate influence; but if his opinions are diametrically opposed to the welfare of the people, I think the people have a right to judge and to form an opinion about matters connected with their own interests and liberties.

7035. Then you think that as long as the landlord is in the leading-strings of the mob, he has a right to expect the support of that mob, but no longer?—I never talked of the mob; the electors of Queen's County are not a mob, they are as respectable as any electors in Ireland, and the Members they have sent to this House ought to protect them from any such unworthy imputation.

7036. Are the Committee to understand by your evidence, that you think that as long as the landlords act under the influence of the *vox populi* they are entitled to the support of the tenantry, and no longer?—I did not say, when they acted under the influence of the *vox populi*; I said, and I repeat it, when their opinions were diametrically opposed to the interests of the people, the people ought to be allowed to exercise their own judgment.

7037. You have stated that lists were made subsequent to the election; is it not usual upon all elections to have lists made out of the persons who poll for the different candidates?—I believe it is; I know it is done in other counties.

7038. Are you not aware it is a matter of great convenience to the candidates to know the persons who have voted for them, that they may apply to them again?—Yes, but they were posted on this occasion, which was the objectionable part of it.

7039. Were not the persons who opposed Mr. Kelly denominated those who supported an oppressive aristocracy?—I did not hear the phrase; but it is true we had not a landlord or an aristocrat on our side, so that it was the people against the landlords in that case.

7040. Was any denomination of that sort affixed to them?—I did not hear it. I was rather in an awkward position, as I was voting against my patrons as well as my landlords, who had given their interest to Sir Charles Coote, provided Sir Henry Parnell was safe.

7041. Would

7041. Would not this public exhibition of lists be obviated by taking the vote by ballot?—It would be obviated, but I do not approve the vote by ballot.
7042. Have you ever heard that the party, considered the conservatives of Ireland, are desirous of the vote by ballot on that account?—I have not heard it.

John Robinson Price,
Esq.
19 July 1832.

Major *George Bryan*, called in; and further Examined.

7043. WHERE do you reside?—Jenkins Town, in the county of Kilkenny.
7044. Did you reside in that county during the period of the disturbances?—I conceive the disturbances to have begun about Christmas 1830, when that hurling business took place.
7045. Could you state what causes, in your opinion, led to the disturbance?—A great part of it was from want of employment, and conceiving the tithes a very great grievance, and wishing to get rid of them entirely if they could.
7046. Did you take any measures to relieve the pressure of tithes on your property?—There is one circumstance I can speak to on my own property: Dr. Butler is the rector, and I conceive the tithe to be exceedingly high; the number of acres in the parish was 1,015, out of which 75 did not pay tithe, 44 were held by a Mr. Haydon, who had it in meadow always, and Lord Carrick 30 acres, which he had in wood, which made in all 75, and deducted from 1015, there remains 940 acres that was liable to pay tithe in Dr. Butler's parish. Dr. Butler, in the year 1830, demanded 250*l.* 5*s.* for his 940 acres, or a fraction more than 5*s.* 5*d.* an acre all round, tilled and untilled, which made not quite a fifth of my acreable rent; my acreable rent averages 1*l.* 8*s.* 3*d.* per acre. The tenants offered him two-thirds of this, which, if he had taken, would have made it 3*s.* an acre all round, tilled and untilled, and leave a surplus to Dr. Butler of 17*l.* 15*s.*, so that they made it 17*l.* 15*s.* more than 3*s.* an acre, as I was informed by my agent, but I do not know it of my own knowledge, except that some of the same land was let under a composition for 2*s.* an acre: I do not know of my own knowledge, but I was told so by my agent. I did not see Dr. Butler, he was in England; I saw his son, and urged him in every way, for the sake of the peace of the country, to accept the tenants' offer; his son would not; he said he had a legal right to it; I said, I know that perfectly well, and that the tenants were bound to pay him, but he would find it very difficult to get it; then his son said, if I was to accept this, what security should I have that the money would be paid? upon which I offered to pay the money myself, and get it from the tenants. At that time I knew the tenants would have repaid me, they thought it such a boon they would have paid me; now they would not; he refused it, at least his son did. I had no communication with Dr. Butler: and I think that the cause of the disturbances as to tithe, in the county of Kilkenny, was occasioned by two circumstances; that of Dr. Butler is one, and the other the parish of Graigue, where tithe was charged to the parish priest, which was never done before, which exasperated the people very much; the priest would not pay it, and his horse was seized. I think those were the commencement of the disturbances in the county of Kilkenny; and if those instances had not taken place, those disturbances on tithe, if Dr. Butler had accepted the offer of the tenants at Woollen Grainge, and the other circumstances at Graigue, would not have commenced in Kilkenny.

7047. You have made abatements occasionally to your tenantry?—Yes.

7048. Have you ever heard a complaint by the tenantry that in proportion as you made an abatement the tithe was increased?—Yes, the tenants told me so. When I bought it of Lord Robert Tottenham, bishop of Clogher, I found it exceedingly overlet; it was not the fault of Lord Tottenham, but his agent; he was as good a landlord as any man in the world. The first thing I did when I got the estate was to get it valued, and I got two gentlemen competent to the task, and they valued it. You may judge how the estate was managed when there were 5,000*l.* arrears on the estate; I purchased the arrears, and told the men I did not wish to turn the tenants off if they paid the man I employed, and they paid it very well. I got Mr. Powell, of Kilfane, and Robert Nevil, of Annemalt, and they went round to ascertain what the men could pay of those arrears. I had no idea of forgiving them if they could pay it, and I bound myself to agree to their award, and they awarded to me 520*l.*, which I got in a very short time; I gave them till the harvest came in.

7049. Do you conceive that the conduct of Dr. Butler to the tenantry of your estate was one of the first causes of the excitement against tithe?—Yes, as a private

Major
George Bryson.

19 July 1835.

private opinion I give it; as an individual opinion, I think that and the Graigue business, in the county of Kilkenny, were the causes.

7050. Have the disturbances been confined to tithe now?—No, certainly not; the Whitefeet and Blackfeet have nothing to say to tithe; but it is my opinion if there had not been the disturbances on tithe, no such thing as Whitefeet or Blackfeet would have existed.

7051. When you mentioned that the clergyman seized the horse of the Roman-catholic priest for tithe, was that tithe chargeable upon his house and ground where he lived as a Catholic clergyman, or did he take a farm elsewhere?—What I know of that transaction is not from my own knowledge, but only from the report of the country.

7052. Did you hear what sum the distress upon the horse was for?—No; I did not.

7053. You cannot recollect whether it was about the month of April or not?—I know the dispute about the tithe was about that time; I know it from a particular circumstance; I happened to be high sheriff that year, and there was a meeting of magistrates by the desire of Lord Ormonde and some other magistrates, and at that meeting I got a letter from Sir Nicholas Loftus, in whose parish this happened, stating the hardship of the clergymen not being able to get tithe. This meeting was about the month of March; but I merely speak from hearsay.

7054. If you had an opportunity of seeing evidence of that kind given before a Committee of the House of Lords upon that subject, I suppose you would think it preferable to any opportunity you had of learning it?—Most undoubtedly, as to the instance of Graigue.

7055. The evidence before the House of Lords states the disturbances at Graigue to have commenced in December, and that the distress of the priest's horse took place on the 1st of April?—I merely speak from the report of the country; Graigue is a great way from my part of the country.

7056. Do you know that it is usual to charge the amount of one-fifth of the rental for tithe?—Certainly not.

7057. Do you conceive the case of Dr. Butler to be one not very common?—I conceive if Dr. Butler had accepted the two-thirds offered, he would have received a larger tithe than was demanded by any other clergyman in the diocese of Ossory, but Mr. Hamilton.

7058. Do you know the tithe of Mr. Hamilton?—No; but it was exorbitant.

7059. Were you high sheriff in 1830?—Yes.

7060. Did you attend the meeting that took place at Castlecomer in that year?—The meeting took place the 1st of January, new-year's day.

7061. Was Sir John Harvey present?—He was; he arrived about the middle of the day; we were waiting and wishing for his arrival; the patrols were out; there was a great deal of bad weather; and he arrived between two and three o'clock.

7062. Will you state to the Committee what took place on that day, from the commencement of the meeting?—A little before Christmas there were some hurlers assembled, and they cut some trees on my property; but that was all gone by, and we thought no more of it; but in 1831, in December, I was very unwell with the gout, but Lord Ormonde called upon me about three or four in the evening, and that was the first I heard of any meeting projected at Castlecomer; the next day he told me there was to be a large meeting at Castlecomer; Lord Ossory was with him, and he and Lord Ossory intended to go to Castlecomer to sleep; they had a great force there: I said, if that is the case I will go too, and I waited for half an hour, till Major Brown, who was superintendent under Sir John Harvey, arrived, and we went off together. Lord Ormonde and I sat together in the evening, and he told me it was decided by the magistrates that they thought it right not to let the people go through the town, and if they attempted to go through the town they would be repelled by force. I rather objected to that, and said, if they could save the lives of the people without compromising and showing we were intimidated, it might be better; but I was overruled, and I did not persevere; it was decided that night that we should prevent them going through the town; we had a pretty strong force of the police, and two companies of Fusiliers, a very respectable force. When I got up in the morning I thought it was desirable to prevent this, and to avoid shedding blood; I sent for the parish priest; I could not walk, I was laid up with the gout; he came to

Major
George Byron.
19 July 1839.

me, and I urged him to go up among the people and to speak to them; he said, it is a very difficult business; he said, if we join too much with the magistrates and the gentry we shall lose our influence, they will suspect us. I proposed to him to go, and I would go with him, among the people, and try what we could do, and tell them the consequences. I think I ought in candour to say I found him rather a timid man, and afraid of the consequences that might result; this was the parish priest; the other gentlemen certainly exerted themselves in every way possible for men to do, and I believe that the parish priest was equally inclined, but he appeared rather timid. I said I would accompany him, and try what we could do; he said "no, you had better go alone;" I said "no, I will not go alone; if I go, I go to give them friendly advice, and try to induce them to desist from their present plan. I shall go without any retinue, and tell them they are knocking their heads against the wall; and if I go that way at all I think I shall be obliged to tell them what will be the alternative, that if they persist they will be fired upon; and if I do that they may take me prisoner, and it would be an awkward thing for the high sheriff to be taken prisoner; and I know they will not do that if you are with me;" and he said, "I will go and walk about, and see what I can do;" and he agreed to go. I was obliged to go in the carriage, and we were just setting out when Sir John Harvey arrived; I told him we wished to save the shedding of blood; and he said, "suppose you and I go together: I am just come from Lord Anglesey, and I know what the Government think of the business; they say, we will not come to any compromise with them, but if we can save the shedding of blood the better;" and we set out, and when we got there I think there were 8,000 people; I never saw such a crowd in my life; the two curates were among them, and indefatigable to keep the peace, more than I could have thought or hoped for. Some man said, the people have agreed to go off, and they will be guided by their clergy. Sir John Harvey said, he wished to speak to them, and mention to them the impropriety of their conduct, that if they had any grievance to redress that was not the way to do it, that the constitution pointed out the mode; and he got upon the barouche-box behind the carriage, and spoke to them, and they cheered him: he said, "I am sure you do not mean to infringe the law;" "No, Sir, certainly we do not." Then I told them, petition constitutionally; and if your petition is respectfully worded I will present it to the Lord Lieutenant myself for you, provided it is worded respectfully. After all this was over, one began, and said, "some of us have a great way to go home, and we shall not get home till late;" it was getting quite dark; "if you will let us go through the town we promise to conduct ourselves in a peaceable manner." I turned to Sir John Harvey, and, in short, we agreed to let them go through; and it was stipulated that they should not go near Mr. Dawson's house, and the object was, as it was avowed, to go to his house to request a reduction of the tithes. I said, "if you attempt to go near Mr. Dawson's house you must expect to be repulsed. I give you leave to go through the town, that you may not have many more miles to go home; but if you attempt to go near his house, you must expect to be repulsed with the forces;" and they went through the town, and they did not go near the house.

7063. That was Dean Dawson?—Yes; Dean Dawson was in Dublin, but his curate was there waiting to give them an answer: very boldly he acted, with great firmness. Two or three cried out, "no tithes." I called to one of the priests, and said, "this is a breach of what they agreed to do;" and he went among them and spoke to them, and there was nothing more heard of it.

7064. Do you believe the conduct of Sir John Harvey and yourself on that occasion was calculated to bring the law into disrepute in Ireland?—If I had thought so I should not have done it; I may have erred in judgment, but I acted from the best of my judgment.

7065. Do you believe that the priests were exciting the people?—If I thought them exciting the people I should have had them taken up; on the contrary, I thought they were using every means that men could possibly do. In the course of the morning there were other gentlemen, certainly, making use of irritating language; and one gentleman was flourishing a sword-stick about, saying, no quarter should be given; we must kill all these fellows, and not let them through the town; making use of language I thought he ought not to a mob, unless you were going to use the cannon upon them.

7066. Is he a magistrate?—No.

7067. Suppose you and Sir John Harvey had resisted the passing of the people

Major
George Bagenal.
19 July 1832.

through Castlecomer, do you think it would have led to the spilling of blood?—Yes, I am sure it would; but whether it would have succeeded I do not know; that the people had the power to overwhelm us with their force, I do not doubt, but if some shots had been fired they would have dispersed, I think; but if they were satisfied to have lost a few men they might have surrounded our force; but my private opinion is, if the people were fired upon they would have dispersed.

7068. Do you think that the executive power permitting the people to put them aside in that way, to make them to stand aside, acts as an encouragement, or the reverse, to those mobs: it was decided by Sir John Harvey and you not to interfere with those people further than by conciliatory advice?—No, they first had agreed to disperse; it was an after favour letting them go through the town.

7069. Do you consider that the conciliatory conduct of the persons acting on behalf of the Government was calculated to encourage the mob, or the reverse?—I think it was the reverse; if I did not think it was the reverse I should not have recommended that course of conduct; I may err in judgment.

7070. Was the resistance to tithe after that transaction more or less?—I should say it could not be more; it was as much, I think; very bad.

7071. It was not diminished by it?—Certainly not.

7072. In Sir John Harvey's address to the people, had you an opportunity of hearing him?—Yes, every word of it.

7073. Did he make use of the name of Mr. O'Connell to them?—He did.

7074. In what way?—Not in the way stated in the papers; I was asked that before by Lord Anglesey and Mr. Stanley, the very day after I came up. This happened on the Saturday, and there was a meeting of the magistrates on Tuesday, and they agreed to lay these particulars before the Lord Lieutenant, and they seemed to wish me to take up the resolutions, and I did, and I saw Lord Anglesey the Wednesday following. It was stated in the papers that Sir John Harvey said, addressing the people, advising them to pence and quiet, "and that is the advice of your best friend, Mr. O'Connell." What Sir John Harvey said was this: he said, he was advising them (I am not exact as to the words) to tranquillity and peace, and to petition quietly in a constitutional mode; "and that is the advice of your friend Mr. O'Connell."

7075. Before going amongst the people in the way described, did you consult with your brother magistrates?—At that time I was not a magistrate.

7076. Did you consult with those gentlemen with whom you had conferred on the night before, who seemed to think a contrary conduct was advisable?—I consulted with them; they were all present at the time it was done; it was at a private house where Sir John Harvey arrived; Lord Ormonde and Lord Ossory were there, and Mr. Butler, the magistrate, and it seemed to be agreed by them all; and I recollect Lord Ormonde saying, "as Sir John Harvey is just come from the seat of Government, he must know what the wishes of the Government are."

7077. Lord Ormonde referred his judgment to the opinion of Sir John Harvey?—Yes, I cannot say what his opinion was, but he acquiesced; and Lord Ormonde remarked to me afterwards, nothing could be more peaceable than the way in which the people went through the town.

7078. Had they made any engagement as a condition of their going through the town, which was violated?—No, I am not aware of it; there was no compromise made with them. I wish to be understood upon that. I told them if they did attempt to go through the town they would be repulsed; and it was only when two or three came to my side of the carriage, and said, "we have a good many miles to go, and if you could let us go through the town it will save us many miles, and we will go home peaceably." I asked Sir John Harvey; he said he saw no objection, and said, "we will let you go, but if you attempt to go near the house of Mr. Dawson, we shall make use of the force in our power;" they did not do it, and I never saw people more grateful; they wanted to drag the carriage into the town, which we had a difficulty in preventing.

7079. Did they use any expressions after this agreement was made, in going through Castlecomer?—There were two or three called out "no tithes," upon which I called one of the priests to me, and said, "that is a violation of their promise, there may some disagreeable consequence happen if they go on in this way;" and he rode among them, and from that time I never heard more quiet people.

7080. Did you hear any shouts used indicative of their sense of having obtained a victory?—I did not.

7081. Did

Major
George Bryon,
19 July 1832.

7081. Did they promise you they would not assemble again?—No.

7082. Are you aware whether they did assemble again soon afterwards at Ballyragget?—Yes, they went to Mr. Fowler, for the same purpose, to demand a reduction of tithe, a few days afterwards, the bishop's son, near Freshford; and the bishop's son told them he would not make a reduction, he conceived that the tithes were moderate; and I believe they were moderate, and they went away peaceably.

7083. Did they assemble in numbers on any occasion after that?—Yes, there were repeated meetings at Ballyragget and Lisdowney, and on my own estate too, and I believe there Colonel Butler interfered, and I came up to Dublin after the election.

7084. They were not resisted on any of those occasions?—No; there was a large force ready.

7085. Was General Crawford present at that meeting held in the private house at Castlecomer?—He was not.

7086. Was he consulted in any way as to whether the persons should be allowed to pass through the town?—Not in my presence; I should rather think not; I cannot conceive that the magistrates would consult with a man who had no authority whatever, who was not a magistrate, and he has not a shilling of property in the county.

7087. But as an experienced officer, upon such an emergency, do you not think it was natural they should consult him?—No; we had Major Campbell, and Colonel Lye we had seen the day before, and Major Browne, an old officer who had served in the Peninsula.

7088. Was it the opinion of all the military persons present it was the prudent course to go through the town?—Yes, I conceive so.

7089. Were they consulted?—No, not the military, it was the act of the magistrates; but the parish priest complained to me of the very irritable language made use of by General Crawford in the morning. I mentioned it to Lord Ormonde, and Lord Ormonde reproached it very much, or said it was very wrong, and he did not approve of it.

7090. Lord Ormonde was lord lieutenant of the county?—He was governor of the county.

7091. He was of opinion that the course pursued was a wise one?—His lordship coincided in it. I mentioned before that it was decided the night before that they would make a stand against them, but afterwards, when Sir John Harvey came down, and it was agreed we should go among them, Lord Ormonde and Lord Ormonde, and Captain Butler, the magistrate, acquiesced in the decision, and we went with their perfect knowledge and consent; we did not do it without their consent.

7092. Has the event of your lenity been to increase or diminish the spirit of disturbance?—That must be a matter of opinion; the disturbance has not diminished, but it may not be from that cause.

7093. Was it with the concurrence of those persons you consulted the night before that you sent for the priest, and communicated to him the intention as to resisting the people?—I mentioned to Lord Ormonde I intended to do it, and he made no objection. I do not think I was obliged to consult him upon it, I thought it a private matter, and I think Lord Ormonde seemed to approve of it. I sent word to the priest I could not come to him, as I had the gout; if he would come to me I would speak to him; and Lord Ormonde said, "If you wish to have a private conversation with him I had better be out of the room," and he left the room; when the priest came, I said, "I suppose you have no objection to my Lord Ormonde being in the room?" he said, "Certainly not." The priest had said before he had heard such irritating language in the morning, and I mentioned it to Lord Ormonde.

7094. Did you hear any expressions of General Crawford?—I did not, I could not go out; I heard them repented.

7095. He has mentioned in the evidence he gave, that the priests were winking the people, and encouraging them in the disturbance; did you see anything of that kind?—No, I thought quite the contrary. I thought that the parish priest was timid; I was displeased at his not, at my first request, going with me.

7096. Had you throughout the course of the day any opportunity of observing what passed between the people and their clergy?—No, I had not indeed; I could not stir out of the house.

Major
George Bryon.
19 July 1832.

7097. General Crawford might have noticed a great deal that you did not?—Yes, he was walking about the streets, and I was obliged to be lifted in and out the carriage by my servant.

7098. Had he a sword-cane in his hand?—Yes, he had, as I heard it.

7099. Did you hear the expressions he made use of?—I heard that he said, "We must not allow these people to go through the town."

7100. Those hurling matches, the real object of them was to intimidate against the payment of tithes?—It certainly was to get a diminution of the tithe; but the most astonishing part of the whole business is, that when they went to ask for a reduction of tithe, if the clergyman said, I will not give it you, they walked off, and committed no outrage except frightening the people and the ladies, which was a very great outrage; they did not break windows.

7101. They appear to act on a system of keeping the peace?—Yes; they did not commit any violence except in one instance, and I believe that was an accident; the hurling-ball they drove against Dr. Paek's door, and it frightened the ladies.

7102. Have you any doubt that the traversing of those large bodies from place to place through the county was very much calculated to assist the persons evil disposed?—Yes, I think it was.

7103. Did it produce a very effective resistance?—Yes.

7104. Was Dr. Butler's parish under the Tithe Composition Act?—It was not; Dr. Butler was very anxious to have it under the Act; he proposed it, and I opposed it, so far that I opposed what he demanded; if it had been put on a fair composition I would have advised the people to pay.

7105. Had you any opportunity of knowing that?—He was very anxious for the composition, I understood; he offered it at one time for 225 £, which is something less than what he asked; he asked 255 £ for the year 1831, and I understood he offered the composition at 225 £, which I then conceived very high.

7106. What did the parish, in quiet times, produce in the way of tithes?—Since the time of the war Dr. Butler has not diminished anything, except in one article; all the other articles, oats and others, are the same as in the war, except wheat; wheat he charged during the war 16 s., and now he charges 12 s., and the people say he augmented when I diminished the rent; how true that is I do not know.

7107. The information you have given is of your own knowledge?—Yes, what I stated from the memorandum. I expected to be examined on it, and last night I looked at my rental and found the average of my rents, which will enable the Committee to judge; the average of my rent is 1 £ 8 s. 3 d. an acre, the Irish acre, and he charged a little more than 5 s. 3 d. an acre.

7108. Could you suggest any improvement in the law, or anything that occurs to you to preserve the tranquillity of Ireland?—I think it comes too late; the great fault was, when the Tithe Composition Act was passed, in not making it compulsory. If they had made it compulsory, and if they had then made it final, not to have it seven years, or anything of that kind, but had had valuers and a fair honest composition at that time; if they had put it on the landlord, and enabled the landlord, notwithstanding the existing leases, to add it to the rent, which you could have done by an Act of Parliament, I think that the people would have been satisfied.

7109. They would have taken it as a boon?—I think they would.

7110. Do you think it could be done at present?—No, they are resolved to pay nothing.

7111. Do you not believe, if a hope was held out to them that the fund arising from tithe would be appropriated in a different manner hereafter, that they would pay it?—They seem now to be inveterate against tithe, against the system.

7112. Is it your opinion that no fund for any purpose could be now raised off the land in Ireland?—I do not say that; I think that Parliament could do anything.

7113. Voluntarily would they pay?—Voluntarily I think not.

7114. Is it your opinion that the whole of the disturbances in the county of Kilkenny and Queen's County are attributable entirely to the tithe question?—I think if there had been no disturbances on the question of tithe, there would have been no Whitefeet or Blackfeet; it comes to that, though they are not in the least connected.

7115. What, in your opinion, would be the effect of a poor law in Ireland; would

would it have any beneficial effect upon the tranquillity of the country; would it do away with the necessity of the great and expensive force of the police and the grand jury?—I have been always a strong advocate for a provision for the poor.

7116. And you continue so?—Yes; my private opinion is it would have a most beneficial effect. You cannot expect a starving people to be tranquil; no man ought to starve, but he ought to be made to work if he could work.

Myles John O'Reilly, Esq. called in; and further Examined.

7117. COULD you furnish the Committee with a copy of the anti-tithe placard?—I have a copy which was taken down from a wall; it is in Ireland now; I could get it by writing for it, and I think, so much reference having been made to it, it would be very proper the Committee should be furnished with it.

7118. In some part of your evidence you talked about the registration of arms; do you conceive it would be a better plan to have arms registered before a bench of magistrates, and entered into a book, to be accessible to the magistrates, and where they might be called in in times of emergency, than the present method of registering them with the clerk of the peace, who keeps no account of them, and has no control upon them?—I am quite certain that it would be a great improvement in the principle that such book should be adopted, and that the arms should be forthcoming at any time under the direction or by the order of some properly constituted authority. I think the local magistrates, with the assistance of the lord lieutenant of the county, or the deputy lieutenant resident nearest to or within the barony where application for licence may be made, would be a very proper tribunal to regulate and decide on such applications and necessary details; and I am quite persuaded that the suggestion of the registration being kept in a book, accessible to the magistrates in the neighbourhood, would be a great improvement; for which purpose I should recommend that there should be a book kept in each barony by the deputy lieutenant resident nearest to or within it, besides one in the hands of the clerk of the peace; and that each of such books should contain a registry of all the licences for keeping arms granted within the county, and that lists therefrom should be published four times a year for the general information of the public and of the police.

7119. Do you suggest that a person transferring his arms should be liable to a penalty, without giving notice?—Certainly; and according to some of the details of my previous answer upon this subject, I think that ease would be provided for. I have proposed several penalties to be incurred by those persons taking out licences, for different defaults connected with their own arms.

7120. Are you acquainted with the anti-tax placard?—Perfectly.

7121. Do you trace in that any affinity or coincidence of plan or purpose with the plan recommended in the celebrated Pastoral of Dr. Doyle?—The plan of opposing tithe, and contrivances to baffle and evade the law, are completely set forth in the placard, and Dr. Doyle's Pastoral amounts to no more than a denunciation of tithe as the pest of agriculture and bane of religion, followed by a solemn injunction to carry the placard into effect, not by alluding to it distinctly as a pre-existing document already promulgated, but by recommending the exercise of every possible ingenuity to effect an opposition to tithes, holding still before their eyes what he calls a salutary dread of the laws which guard the tithe. The Committee will be able to form a judgment for themselves whether that ingenuity, as evinced in the placard, could have been improved upon, or the system there laid down more emphatically sanctioned, than by the Pastoral. All those vast assemblages of the population appear to have adopted the recommendations of the one document and the injunctions of the other, so that the common people at least seem to have identified both by their obedience. The Committee, however, are more competent than any individuals to answer their own question satisfactorily to themselves.

7122. Do you ascribe to these publications any of the present disturbances of the country?—The disturbances have vastly and infinitely increased since these tithe publications became general, and since the agitation on the subject became prevalent; I cannot persuade myself to entertain a doubt that these publications have done a vast deal of mischief in the country.

7123. And tended, in your judgment, together with the agitation that has arisen out of them, to increase the disturbance and violence that have taken place?—Certainly, inasmuch as they kept the minds of the people in a state of considerable

*Majoe
George Bryon.
19 July 1831.*

*Myles J. O'Reilly,
Esq.*

Hylen J. O'Reilly,
Esq.

19 July 1832.

able agitation, and taught them to assemble latterly in very large bodies, the better to fulfil the object of those publications, and to defeat the law; thereby at the same time deriving encouragement to themselves, and producing intimidation to others.

7124. Do you think that these publications and the anti-tithe proceedings have augmented, or been connected with the general disturbance of the public peace and the state of the county?—I have not a doubt that they have to a great extent, and that they have given great encouragement to the insurrectionary party of the Whitefeet, who had been originally the sole disturbers of the peace, but are now incorporated and associated with the mass of the Roman-catholic population in at least one common purpose, which they are taught by a high authority to regard not merely as a legitimate proceeding, but as a deep moral obligation.

7125. Have any circumstances come to your knowledge which have induced you to think that the Roman-catholic clergy, in their zeal against tithes, have been induced or led into the holding of any intercourse with this pre-existing faction of Whitefeet?—I am very unwilling to suppose it possible that any individual of the Roman-catholic clergy could have been in any degree connected or in correspondence, however remotely, with the faction of Whitefeet. Collectively, I am very certain they have been and are very much opposed to the Whitefeet or Blackfeet system. The question put to me, however, I am compelled to conclude, has reference to some remarkable circumstances disclosed in my presence, on a trial that took place at the late commission, and which (as the whole of those proceedings are before the public in print in a collected form) it would be affectation to deny that they were certainly calculated to throw more than a suspicion upon at least one individual of that body, as connected with or exercising a direct influence over the Whitefeet, as such. The question manifestly relates to the disclosures that took place on the trial of a man of the name of James Dowling, when it appeared that the witness for the Crown, Miss Magee, who had gone to mass, as she swore, in consequence of having been pelted with stones when going to church, being very much pressed on cross-examination, declared that, in consequence of a recommendation from the priest of the parish adjoining Carlow, in which her family and herself had previously resided (on their removal into a very disturbed part of the county, under circumstances highly dangerous to them, and where they were subsequently attacked), waited upon the parish priest of that district, and had had communications with him, in which he had said, "that he would make a pitchfork mind the house; that he did not like any one in the house but herself; that he expected he would make a Christian of her, and bid her often go see him, and that she need not be afraid of the Whitefeet, that he had them at his command, and that they would not meddle with her; that Luther and Calvin beat them out when their religion was established, and that he intended to get his rights again." I have thought it right, in giving a correct reply to a question of this nature, and on which I do not wish to offer any opinion of my own, to do so by reference to the official publications of the proceedings of the special commission, as printed by the government short-hand reporter who attended, and trust that reference will render any further questions of this inculpatory and disagreeable character unnecessary to be put to me by the Committee.

7126. It has been stated by one witness that some Protestants took part with the Whitefeet in their proceedings; is that your judgment, or, on the contrary, have you any reason to suppose Protestants were rather the objects of persecution?—I never heard of Protestants being engaged in Whitefeet transactions, or associated with that confederacy. There was, however, a man of the name of Richard Wall, whose religion at the time I did not know, but I have since heard was a Protestant, who being liable to some proceedings towards being fined for having burnt land, had availed himself of the Whitefeet system in the country to employ persons to make an attack, on the night of the 31st of May 1831, upon the house of William Mara, the land-surveyor employed to survey the burnt ground, employed those persons, and those persons (three of them) were convicted and sentenced capitally. It was previous to the alteration of the Whiteboy code, by which transportation was substituted for capital punishment; and those three convicts were the same persons mentioned in a previous part of my evidence as having been saved by the memorial from the magistrates of the Queen's County to the Government. I have never heard of any other Protestant being engaged in similar proceedings, directly or indirectly; and I am quite certain that if it be not absolutely a solitary case, it is as nearly so as possible: I never heard of any other case,

case, nor ever heard, or do believe, that Protestants were members of that faction; on the contrary, they have been, in the Queen's County, the special, though not by any means exclusive, objects of persecution and intimidation by the Whitefoot and Blackfoot, and are compelled thereby to transport themselves into foreign countries in vast numbers; an emigration which it appears very lamentable, on many considerations, to witness.

7127. You stated in your former examination that the opposition to tithes was sudden in your neighbourhood; when did the first demonstration to effect that purpose take place?—In the summer of 1831 there had been a seizure made of cattle in the parish of Moyanagh and Stradbally, by a person of the name of Bailey, who has since been assassinated. These cattle were advertised for sale in the town of Stradbally, and after having been put into the pound by the proctor, some of the agitating gentlemen of the country hailed them out of the pound, by depositing, as I heard, 50*l.* in the house of a shopkeeper in the town, to guarantee to the pound-keeper the return of the cattle, and they were accordingly returned on the intended day of sale, but they were branded with the word *Tithe*. I had not heard of these transactions until the very eve of the day on which the sale was to take place, and having then accidentally understood that the adjoining parishes had received a direction to attend *en masse*, I thought that such an assembly might be dangerous to the preservation of the public peace, and I sent my own mounted messengers in the morning early to call for the presence of four or five other magistrates, to take care that no breach of the peace should take place. One of these gentlemen thought it prudent to bring with him a company of soldiers, and there was a considerable number of police also collected, and no disturbance took place. Mr. Bailey refused to sell the cattle, in consequence of the deterioration they had suffered by the branding, which amounted to a prohibition of their sale, and he subsequently recovered by civil process the amount of the tithe from the pound-keeper, as I heard, by the decree of the Assistant-barrister's court. That was the first movement of the population in opposition to tithes in the whole of the district I am acquainted with, either in my own county or those immediately adjoining, that I had heard of.

7128. At what time was that?—It was, I think, in the latter part of the summer of 1831.

7129. Do you think the landlords would now be able to induce their tenants to pay their tithes as part of or with the rent, if it should be thrown upon the landlords?—I have not any doubt that whenever the Executive Government of the country assume an attitude of determined resolution that tithe or composition for it shall be collected, that it may be and will be collected, and might have been, and may be to-day. I should be very sorry indeed to think that the laws of the realm were annihilated, or the executive authority superseded, merely because the former have not yet been tried or the latter yet exercised, or that a certain set of persons, or a certain portion of the press, take pains to announce the total imbecility of both. I think also that the landlords might, if they pleased, have a very powerful influence over their tenants towards the collection of a composition for tithe, and that, if they undertook to do so, that the tenants would scarcely contemplate, and would not be likely to make, any resistance to the landlord in such case.

7130. What has been the effect of the late commission on the minds of the people in the Queen's County?—So much pains have been taken to counteract the moral effects of the recent commission, by the efforts of the agitators, and by what may be fairly, in such a case, called the wickedness of a certain portion of the press, that I have very great doubt that much beneficial moral effect will be produced by that very important and dignified administration of the law. That the Committee may have a concise view of the proceedings of the commission, I now furnish them with a paper written at the close of the commission, and now including a reference to the execution of the sentences, which, as its details and observations are accurately correct, they may think it useful to print in the Appendix to their proceedings. Perhaps I could not illustrate more properly to the Committee the probabilities upon that subject of their question as to the moral effects of the commission, than by mentioning a passage in a letter which I myself received from Mr. Baron Smith, on the 13th of June, only seven days after the commission closed, and which, though not intended for such a purpose, I persuade myself that learned person can have no objection to my communicating

Myles J. O'Reilly,
Esq.

19 July 1831.

see Appendix,
No. IV.

Walter J. O'Reilly,
Esq.

19 July 1832.

nouncing to the Committee, though I have not had the opportunity to ask his permission so to do, especially as it coincides with those wise and prophetic observations which he had previously made on the bench at the Summer assizes of 1831 and Lent assizes 1832; and at the commission on the last occasion, the learned Baron, in passing sentence on Patrick Nash, since executed, used these remarkable expressions:—

"I cannot utter the word '*example*,' without recollecting how thinly attended this town and tribunal are.

"Acquainted as I am with the propensities and habits of our people, considering too how naturally a great number of prisoners for trial would attract a numerous assemblage of anxious relatives and friends, independently of those whose curiosity and interest might bring together, I can scarcely look upon this sparing attendance as undesigned. I can scarcely avoid considering it as a measure, the result of a command: as a feature of that system which the law is endeavouring to crush. He must be blind who does not catch more than glimpses of a deliberate plan to disparage, in the eyes of the people, the administration of the law. His memory must be frail, who, if he be old enough to remember, can forget that such a plan prevailed in periods big with threats, which were afterwards soon and bloodily carried into execution.

"The tribunals were then in many instances deserted, as if the law were something in which the people had no concern. A contemptuous aversion to it was then, by secret agitators, instilled, with mischievous purposes, into their minds.

"To estrange them from the law, was to place them beyond the reach of admonition and example, and impose upon their credulity by misrepresentations of the way in which justice was administered: calumnies which, if on the spot, their ears and eyes would have refuted.

"Is it possible that similar plans and projects are revived? For the sake and interests of the deluded people, I wish it may not be so."

In the letter above alluded to, and which Baron Smith wrote in reply to one enclosing the brief detail of the proceedings of the commission above mentioned, and also deprecating the malicious efforts of what I had called the infernal press, when engaged in libelling the solemn proceedings of the commission, he says, "On my return from court I received your kind communication. I had not, that I recollect, seen the stigmatizing paragraphs which you allude to, but they are no more than I should have expected. Indeed, I should have been astonished if that press on which you bestow an epithet so appropriate had so far forgotten its principles and objects as to lose any opportunity of baiting and stigmatizing the law; I am glad, however, to find you approving, if not of what we did, at least of what we attempted; and if the public mind were less poisoned should have done. I agree with you in fearing that in the last paragraph of what you have enclosed to me will be found a statement of the only good which we shall have done. At the same time, when the guilt of every man convicted was most satisfactorily proved, when of the convicts several have confessed their guilt, (and one, by restoring the arms, has vouched the truth of his confession); when the juries have clearly shown themselves as merciful as they were firm; when tried intelligent and fair, and selected with the most cautious impartiality, have without a pause pronounced the challenge of the array unfounded; when all this has been so, what times and what a people are we surrounded by, when such proceedings are called a '*mockery of justice*!'"

7131. Have you any suggestion to make as to the practical improvement of the local administration of the law?—I should suggest that there should be a constant repetition of the usual sessions, for the purpose of immediate punishment; and that there should be some alterations in the punishments that are inflicted; and I think that there is a great mistake in that ill-considered humanity which has latterly impeded the punishment of flogging in such cases, which I am quite certain, and I had it from better authority than my own judgment, would be the most effectual that could be inflicted in all cases of outrage, accompanied by injury to the person, committed by the common people.

7132. Is there any portion of your former evidence you would wish to correct?—I have suggested that question myself, and am glad of the opportunity, being able now to assert positively that which I could not before do, that in Dr. Doyle's recent circular to his clergy, enjoining their exertions for the restoration of the peace of the county, he did very emphatically require the restoration of arms and

all other plundered property, as a condition precedent to the administration of the rites of the Roman-catholic church. Since my previous examination I have seen that document in print amongst the papers of this Committee; and when I was on the foregoing occasion pressed, as I then thought and as I now think, somewhat unreasonably, to state an opinion from imperfect recollection, it was evidently in the power of the honourable Member of the Committee who thought it right so to press me, to have answered his own question, or to have corrected my reply, had he thought fit to do so.

Myles J. O'Reilly,
Esq.

19 July 1832.

Veneris, 20^a die Julii, 1832.

SIR CHARLES COOTE, BART., IN THE CHAIR.

Thomas Birmingham, Esq., called in; and Examined.

7133. HAVE you been residing a good deal in the Queen's County?—For many years; the last two years not so much as formerly; I have, however, been there at different periods.

7134. Are you acquainted with the colliery district?—Most particularly; about six years ago, the proprietor, a friend of mine, Mr. Wundesford, employed me to go there. I found it in a very dilapidated state, it seemed very ill-managed, the system pursued was as bad as possible; the state of destitution of the working collier was almost beyond endurance, and the number of watchmen that it was deemed necessary to place over the concern to prevent robbery was, besides a vast expense, a great mischief, causing so much useless labour.

7135. Was there any disturbance there at that time?—Nothing like insurrection, but there was very considerable dissatisfaction amongst the people.

7136. Have you been there at all since the late disturbances have broken out?—Near it, but not on the spot. I acted in managing the colliery up to about May 1830. I found it in a most disorderly state, and not being a miner myself, I asked, through Sir Henry Parnell, the advice of Mr. Telford, and under his advice we selected a person from the north of England, Mr. Dunn, of Newcastle-upon-Tyne, on whom we relied, and he brought over some intelligent men as overseers and wrights, persons to show the poor working colliers a new mode of working the colliery. We established a pit on the English system: that gave dissatisfaction for a time, for the English system is to work in one pit, the Irish to work a number, and the labour was rather hard in the new workings, and the poor weak old colliers, who were able to work in their own shallow pits, were not able to work in the new pit, so that that created a trouble, and it brought on our charity list a great number. To show the state of destitution in this colliery, I may mention that I believe from the charity list not less than 1,000 *l.* per year were distributed in sums of not more than 2 *s.* 6 *d.* and 3 *s.* 6 *d.* per week to poor people. I induced these people to turn their attention from raising coal in this imperfect way, to working with a spade, filling up their old pits, and reclaiming the land; that brought upon me the indignation of the middle classes of persons who were treading upon the poor colliers, who were a class of persons who had grown up in that colliery for years past as master colliers, persons who kept shops, who doled out pittances to these poor people, kept long accounts with them unsettled for a long period, got them into debt, and so in the greatest misery: my great object was to get rid of these contracts, to get the people under the proprietors, and to get money payments introduced instead of the payment in kind; that brought upon me the opposition of the master colliers, whose profit ceased as the new works succeeded. They, I think, induced the people to join them as much as they could against me, so much so as to endanger my life at one period; the numbers collected round me were some thousands, and they attempted or showed every desire to throw me into a pit, and had a coffin prepared for me; whether they really intended to do it or not I cannot say. I was advised to call some policemen; I said there was no use in that, because my life was a matter of very little consequence, that I might as well die then as at another time, that the proprietors would not alter their plan, that I hoped the people would listen to reason, and if

Thos. Birmingham,
Esq.
20 July 1839.

they had any hardships to complain of, if they would send five or six of their body to the office, I should be most happy to yield in anything they showed me I was wrong, but certainly not to intimidation. The consequence was, they retired to this room, we discussed the matter; I proved to them that my object was their good, to get them under the proprietors, to get a system so arranged that each man should be paid for his labour as he did it; and they were so satisfied with my explanation that for three years afterwards they had no serious combination amongst them; they did generally as Mr. Dunn, who came two or three times a year from England, chose to order; and so well was the colliery going on that Mr. Dunn and I, at the death of Lady Ormonde, and at the instigation and by the desire of Mr. Wandesford, made a proposal to take the colliery, for 1,000*l.* a year, or a twelfth of the royalty, which proposal was agreed to, but which proposal Mr. Wandesford afterwards thought it advisable not to conclude. I did not insist the least upon it; he had been very kind to me, and he gave me remuneration for my services. I left the colliery in a state of prosperity. I lament to say that one of the finest men, one of the most intelligent, and one of the best engineers, has been shot on that colliery since then, one of the men that Mr. Dunn brought over, a Mr. Potts.

7137. All these disturbances have originated since you left?—These disturbances have originated since, from what I have heard, being in the habit of hearing from the colliery, though not being on the spot. I lament its present state. I firmly believe a great deal of what has occurred might have been avoided if my friend could have been at home; the health of his wife was so bad he was obliged to be at Milan, or abroad somewhere. He has a representative at Castlecomer, his agent, who is more inclined to lay out money sending people out to America than employing them at home: my advice was to employ them at home; it was going on well while that was followed. I fear there was a strong desire then to get rid of the people, but not an unkind one. Mr. Wandesford is a kind-hearted benevolent man; he believes in his heart he is doing them service by sending them to a country where they will have, as he thinks, a finer field for employment; but the feelings of the people are not in accordance with that, and very much of the opposition that has occurred there has, in my opinion, arisen from this difference of opinion.

7138. Was there plenty of employment at that time for the whole of the population?—When I went there in 1825 or 1826 there was not sufficient employment: the custom then was to raise an immense quantity of coals, to leave them on the bank, and to watch them at the expense of about 2,000*l.* a year; it occurred to me that it would be better not to raise the coal until wanted, and to save the expense of watching it; those watchers were thus thrown out of employment, so that for a time after there was a deficiency of employment; but it tended to make the colliery so prosperous, and so extraordinary was the change, that Mr. Wandesford perceived it himself in the houses of the colliers during four or five years in which the system was pursued that I speak of, of not raising more coal than to meet the demand, and to sell at as low a price as possible, paying the men in ready money, and by degrees getting rid of the contractors, and getting the working colliers more immediately under the proprietor, who would treat them more kindly, rather than under the middle-man; for it is the middle-man in the colliery, as well as everywhere else, who is pressing on the labour of the man under him, and living very much by his distress.

7139. Do you attribute those disturbances that have taken place there to a want of employment, or to mismanagement?—Entirely to mismanagement; there is employment enough for many more people than there are there.

7140. Have you been engaged in managing property in the counties of Kilkenny and Queen's County?—I have now detailed that part in the county of Kilkenny; some years ago I managed the property of Mr. Bailey also; so that I was well acquainted with the county; but in the Queen's County for years I managed my uncle's estate (the late Mr. Grattan), and I know a great deal about that estate, even since my nephew, Mr. Berwick, has had the management of it.

7141. Was there not considerable improvement effected in that estate?—There were very considerable improvements during the time I acted for the late Mr. Grattan. We made a number of drains; I am particularly anxious to state that, for there are many parts of Ireland where that sort of improvement is much wanted; I can vouch for it such are never made without great benefit, particularly there; the cattle used to get a disorder which they called the bog-croup in the
lower

lower parts of the Queen's County; having made these drains I hear now there is no such complaint, and the people are most healthy, therefore the draining has been of great service. But there was another improvement more of a public nature, though done entirely at the expense of the present Mr. Grattan, Member for Wicklow, that is the building a bridge over the river Barrow: for 9 or 10 miles of that river there was no passing; he has erected at the expense of 2,000*l.* a very handsome bridge, by which means the bogs of the adjacent county are brought more handy to the Queen's County. In another way it has been most material; for that district of the Barrow was, before this work, a very wild spot, and during the rebellion of 1798 was a focus for all the villains to collect at: this has opened the communication to the cavalry barracks of Newbridge, which must have been of great service to Government, the gentlemen and farmers of the Queen's County, and in preventing the place remaining a nest for thieves; and in troublesome times like the present, must have been of use in bringing the troops from these barracks within two hours ride of almost the centre of the Queen's County. It has benefited the estate, but it would be more beneficial to the country if the Cork mail-coach road was brought that way, which it was always intended should be done, instead of cutting and going round hills, endeavouring to make a road, which never will be so good a line, by Athy, whereas the other line is a level line through the Queen's County; for the road to run so that if the bridge were brought into full play by that road across the Curragh of Kildare, would be a vast utility to these counties and the country at large.

7142. Have you not found that the employment to which you have alluded has always been very instrumental in preserving the peace of the county?—Invariably, both there and in other places; I have never found it fail to quiet the people, and in my mind employment is what is principally wanted in Ireland.

7143. Are you acquainted with the price of labour in Ireland?—In most parts, but in the west more particularly, where I now reside. The price of labour I may say is not 6*d.* a day on an average of the year; we give 8*d.* in summer and 6*d.* in winter; we do not employ anything like the numbers we could get at that price. In many parts of the west, where 8*d.* a day is given, it has been on a long unsettled account to pay con-acre rents of 8*l.* and 10*l.* an acre; 6*d.* a day hard money is more than on an average is paid for labour in the west; and I should like to add this, that a few labourers taken out of the labour market does tend to raise the price of the rest of the labour of the country: now if public works were carried on in the different parts of Ireland to the extent that I propose, (and if the Committee will allow me I will put in a Plan which I think, if executed, would be most beneficial), you would have at particular periods of the year, when labour is most wanted for the poor, the advantage of these public works, by which the average labour of the year could be increased, as in the height of the summer, that is the time I would recommend for these works; they are all leading to improvements of the rivers, canal making, rail-roads, and cutting through bogs; these are the works we want most in Ireland, and these are best done in the height of summer, the time when labour is the least wanted by the farmer; the sowing season and the reaping season are his times. (*The Witness delivers a Paper explanatory of these Works, and three Maps*). That Plan and Maps show the principal lakes and rivers in Ireland, and the proposed connexions of them; the Plan describes each of the proposed works; I thought it would be easier by having a little map, which map should detail the different lakes and rivers and improvements, and then to give in a detailed form to the Committee that paper, showing the proposed junction and the proposed works to be done. Those to be *the public works in Ireland*. This statement shows what has been done hitherto, and the state and progress of each of those works; the books and maps that I refer to in that statement will inform the Government, who ought to be the medium through whom those public works should be executed, by which they would immediately see which was the most useful to carry on first. If I am asked as to the state of disturbances in Ireland, and if a remedy is wanted, I tell you that I have managed property in parts of the east and west, and north and south. I have never failed to live on good terms with my neighbours; to collect the rents wherever I was employed, I believe very generally to the satisfaction of my employers; I have invariably done that by endeavouring to employ the people in useful works, and thus have so much control over the people. I would therefore implore the Government to follow the same course; and in endeavouring to show where improvements are wanting, and where such, if made, will repay; and being convinced that in each parish

Thos. Birmingham,
Esq.

10 July 1831.

see Appendix,
No. XI.

Thos. Boringhams,
Esq.

30 July 1832.

and county in Ireland such a course would assist the Government more than police and soldiers, I really must say that I think it would be important to follow up those works which I have detailed in the Plan given in.

7144. Have you at any time proposed to Government any plan for the improvement of the country?—Yes, repeatedly, but particularly the last year.

7145. What has been the result?—So far satisfactory, that the Government has sent a most intelligent engineer to Ireland, Colonel Burgoyne, and there is hardly one of those lines in that map that he and I have not traversed or talked over; last year we travelled together for a fortnight; a Board of Works has been established. Colonel Burgoyne is aware that all this is necessary to be done, and would repay, but that Board is so shackled as that Act of Parliament is drawn up; and allow me to say we told the Government it would be almost inoperative as they were doing it, but I was told I knew nothing of legislation, when saying it would not do. Colonel Burgoyne told me that 50,000*l.* only had been allocated out of the 500,000*l.* two months ago, and I have not seen or heard of one spade set at work yet by its means. When the Lord Lieutenant visited Galway it was in contemplation to get the 500,000*l.* I advised the people of Galway to wait quietly, for the Government was doing everything for them. What do they and the people of Roscommon now say to me: "When will you have the works on the River Shannon, or the River Suck, or the railroads done, which you have been promising us so long?" I still say, wait awhile; and I fear they must wait a long while, though it is both a pity and a shame.

7146. Do you recollect any applications being made for a portion of this money, which would have been beneficial if the Act of Parliament had been so drawn that it would have been practicable to get at it?—Decidedly.

7147. What do you consider the chief defect of the Act as it now stands?—First of all, the Act of Parliament intends, as I believe it does, and as far as I can understand it, the Act says, that such and such monies shall be advanced on such and such terms, provided the gentry of the country will come forward with security: what is the security? the security is, that the project shall show more benefit than is likely to be realized by that or any other the ordinary profits of trade at present.

7148. It is pledging a man's private speculations for the public good?—Certainly. Colonel Burgoyne, as chairman of that Board, on reading the Act of Parliament, is quite satisfied that the gentlemen of the country are quite backward, they will not seize this great advantage, they will not mortgage their properties for a great public good passing through their properties. He is surprised that my Lord Ross and others, as the Board have given them a plan of a very great improvement, opening the River Bresa into the town of Birr, when there would be steam communication brought from the Shannon to the town for about 20,000*l.*; he is surprised those proprietors hesitate in giving security on their estates. The engineers who have been sent over are now at Limerick, and I believe have made surveys most useful, showing, I believe, that much may be done to improve the navigation of the Shannon and drain lands adjacent, as also to improve the River Bresa and the River Suck, and other tributary rivers. These are works I want the Board of Works to execute with the money at their disposal, and to look to the tolls and future improvement in the peace and tranquillity of the country, and by improvement consequent in the post revenues: this would be the case if these works and those on the western lakes were executed.

7149. Do not you consider a great deal of the difficulty arises from the difficulty of landlords, under the present law, making out proper securities that would be considered good ones by the Board?—Very much so; but I think there is an unwillingness in the landlords of Ireland to give this security at all. I have had a great deal to say to them; they consider it more as a public object, and that it should be taken up by Government: there are a great number of local taxes to which they are liable, and they have in general little money to spare.

7150. But in cases of private advantage, as in the draining of a bog, the improving of a mountain belonging singly to one proprietor, or to two or three, in which the public at large have no immediate benefit, how comes it to pass in those cases landlords have not come forward?—I am not aware of the boon being presented to them where individual good is likely to be realized.

7151. But why have they not applied for loans connected with their private estates?—Because the terms are too high.

7152. How do you mean?—The rate of interest charged by Government is

Thos. Birmingham,
Esq.

20 July 1832.

too high. I see no advantage to a man really having security to offer, clogging his estate with an Act of Parliament at all to get money at 5 per cent. interest. I know many proprietors, but one in particular, who would be delighted to take advantage of it (the object being to improve a bog or a mountain), if the repayment was spread over 40 or 50 years; you would find numbers willing to take advantage of such accommodation.

7153. You conceive then the objection lies in the difficulties with which the conditions are shackled; one of those difficulties being the high rate of interest, the other, the short period allowed for the repayment of the money?—Decidedly.

7154. What would you conceive to be a proper rate of interest for lending public money for private purposes?—I think the repayment should be entire, but it should be spread over a greater number of years; it will take seven years probably before any return comes from the outlay which shall be made. The person who seeks for a loan, it is clear, has not money of his own; can it be supposed that out of other resources he will pay the interest of that loan for the first seven years? but suppose Government leave it interest-free for seven years until certain profits may come in, and then go on charging 1, 2 and 3 per cent., and so on, increasing, so that the principal and 3½ per cent. interest may be repaid in 50 years, I say you would have immense improvements and sums taken up: but Government is not prepared to do that; they are running a Jew's bargain with the distressed gentlemen of Ireland, so the money is likely to remain in the Treasury, and our lands and bogs remain in *statu quo*.

7155. Have you not heard that this 5 per cent. is intended for the purpose of covering the expenses of the machinery, and payment of the officers of the Board, and the other management?—I was not aware of it; but that makes still more against the working of it.

7156. If the proprietor of an estate were to give 5 per cent. interest for any advance, do not you think the loan from Government would be superfluous, because hundreds of thousands of pounds could be had at that rate?—It is a higher rate than the purchase of land produces in Ireland.

7157. What then is the advantage which a proprietor of land in Ireland would derive from his borrowing from Government, in preference to borrowing from an individual?—There are two advantages which appear quite plain; one is the obtaining it at a much lower rate of interest, this certainly ought to be the case; and the power of improving his estate, and charging his successor with the improvement; in the case of a life estate the Act of Parliament allows this I believe, but I do not think a proprietor of land will borrow at the rate now charged by the Government as interest, and charge his successor with such a sum, he would not think himself justified in doing so, besides he must himself pay the interest from the present moment; to be sure he saves the insurance. But still, I do not think persons so circumstanced in Ireland will borrow money at the rate of 5 per cent. interest, for future advantages, and charge the estate, though they may have the power given them of doing so.

7158. Do you think it would be an advantage that tenants for life should be empowered to borrow money generally, limiting it within the period of four years, or the amount of four years rental; do you think it would be of advantage to the landed interest in Ireland?—Decidedly, I have no doubt it would act in this way: I know men of large fortune in Galway and elsewhere, who live in the country, and have large families and large incomes, they understand making improvements in the country most exceedingly well; I need not mention names, some of our best resident Irish gentlemen; I have no doubt whatever that if these gentlemen, and many others like them, had the power of charging improvements made by them on their estates, that they would employ labourers on these works, and employ great part of their incomes in that way, and leave the charge on the estate as fortunes for the younger children; I am sure there are many in Galway and elsewhere would do it to a great extent. In the same way, allowing the present possessor of lands requiring improvement to make long leases of such, would induce vast tracts to be improved.

7159. Do not you think that it is particularly this unlocking of capital that is required in a country like Ireland, where there is little capital and great possibility of improvement, and great superabundance of labour?—Most decidedly; and the reason there is a superabundance of labour is, that the lands on which labour can and ought to be employed are locked up, that is, the settlements prevent improvement.

Thos. Bewickshaw,
Esq.
20 July 1838.

7160. You think it would be requisite to have considerable checks on the power of borrowing; that it should be limited to a certain sum, and under the inspection of competent officers?—Decidedly; every care should be taken that the sum was laid out judiciously; there should be reference to some proper authorities to check this, and to see that it is interfering with the property beneficially; but let me put a case to the Committee: there are 6,000 Irish acres of land offered to me in the county of Galway for 6,000 £, that is, a purchase of 1 £ an acre late Irish measure, within five miles of the Shannon, which river, as I show you again, could easily be opened up, and by which means, by steam-boats on that river, the produce of that very land (by the rail-roads now in contemplation from Lough Derg on the Shannon by Tipperary and Cahir, to the tide-water at Carrick on Suir, so to Bristol, a passage of 22 hours, and from thence by the proposed Bristol and Southampton rail-way to London) could be brought into the London market in a period of four days: will any one tell me that would not be a great inducement to the cultivation of that land, and that the employment of labour in those works would not tend to the improvement of the country and the employment of its population?

7161. In the parts of Ireland with which you are acquainted, is there generally exhibited a great desire for education?—Everywhere.

7162. Has there been any disturbance or dissension produced between the landlords and tenants by the introduction of the Kildare-school system, in the district with which you are acquainted?—It has certainly not been considered a boon, and there has been dissatisfaction created by it; I cannot say disturbances. On the estate I manage, I found that some years ago a school-house had been built by the late Lord Clonbrock, and in consequence of the dissensions about education he abandoned the school: when the present Lord Clonbrock appointed me his agent I resumed the school. I tried a Protestant master and a Roman-catholic master; the first Protestant master went away, he did not like the terms of the school, that is, I did not insist on the Bible being read throughout; I got the Kildare-street books, many of them were allowed to be read, but I got the Roman-catholic archbishop of Tuam, Dr. Kelly, to discuss the matter; there had been a great deal of jarring, and he said to me, "Manage it as you like; I do not think that you want to turn the people from our faith; I suppose conscientiously you do not approve of that faith, but you are taking no such steps as will warrant any clergyman interfering, therefore I will advise him not to oppose you:" from that day to this the opposition of the Roman-catholic clergyman has been withdrawn, and it is going on as prosperously as possible. We have generally one or two hundred scholars learning as much of the Scriptures out of the Kildare-street and other books as they please, but the Bible is in an adjoining room for the Protestants to recur to when they please. I got another Protestant master; his wife and daughters teach the girls to sew, and various works; the whole are most orderly; there is no tampering with their faith, they are taught things common to all Christians; and I do hope it will long continue a blessing to its liberal patron, Lord Clonbrock, and of use to the poor of his tenantry. If I could attach to that school, what I saw at Lewes, a garden where agriculture is taught, it would be doing the greatest benefit to the country.

7163. You think where education exists among the lower class there is a proportionate degree of quiet?—Decidedly; on Lord Ashdown's estate and others it is so, where there is allowed what the people consider liberty of conscience.

7164. You do not think it produces love for agitation?—Far otherwise; I know of no instances of disturbance among those who attended at those schools, though we have had disturbances very near them.

7165. Are you aware whether the landlords have forced or compelled their tenants to attend these schools?—Most decidedly they have in a degree forced them: there are landlords, exceedingly good landlords, and are exceedingly kind men in the ordinary acceptance of the word, spend their incomes at home, and the people are greatly attached to them, but they bestow favours on those who go to their schools, where the Bible is read; that I conceive is forcing them, by inducing them to act contrary to their conscience. Everybody knows that the interests of the poor tenant in Ireland are so bound up with the landlord, that if he goes against his wishes, in any way, his situation is deplorable.

7166. Are there many parishes in the county in which you live that are unprovided with schools?—There are a great many that are not provided with anything but hedge-schools.

7167. You

7167. You consider the hedge-schools as not giving the very best kind of education?—I dislike them very much; I dislike schools that are not under some superintendence.

7168. Do you think this want of schools arises from a disinclination, or from the poverty of the inhabitants?—I think it arises from poverty, most decidedly, and want of system.

7169. Do you think that the regulation at present adopted by the Board of Education in Ireland, which requires that there should be a subscription of one-half or two-thirds, is a regulation calculated to establish schools in the poor districts?—I doubt whether they will raise anything like the funds in many parishes.

7170. Do you think any other plan can be pointed out to establish schools in the district?—I have read a Bill which was framed by Mr. Wyse, and printed, and I have no doubt whatever that the inducements that are held out would be very likely to succeed, that of having schools fitted up by government advance: the first cost is the difficulty; it is not easy to raise any large sum in the poor parishes of Ireland, but the continued little expense afterwards would be easily raised; the first set out it is almost impossible to raise except by such means, unless such men as the honourable Chairman, and men like him, who are always ready to come forward and assist such objects.

7171. You think the Government should provide the first outlay; and the people having the support and repair of the schools, by being diffused over a long period, and in small portions at a time, they might easily pay?—I have no doubt they would; for instance, look at the roads that have been made through Conemara, which I have authority to say have all been repaid; there was a great outlay at first by Government, the town-lands paid this afterwards; there is not a great capital in Ireland, therefore I think in all these cases government assistance is of use, the repayment is provided for, and it comes easy.

7172. In providing for the support of the school, or the support and repair of the school, would you recommend subscriptions or assessments?—I think subscriptions never answer in Ireland; one party may like the plan and another may not, and they are always loath to come out with the money. I have been half a dozen times at Galway with the grand juries: they say, "We shall be delighted if your plans can be carried, and we will give you a vote of thanks; we agree to all of them." I have had from five different grand juries solemnly assembled the record that they thought every one of my projects should be carried on; but neither to repay me for the trouble I was at, and the great expenses, or to further the cause, would they give me one single shilling out of their private purse as subscription, though I have expended some hundreds of pounds in bringing forward these plans.

7173. If the parish were to assess itself, do you not think the people would feel generally a much greater interest in these schools than if they were supported by subscription of one or two rich individuals of the parish?—Certainly, and I suppose the new Bill gives them, by the assessment, an interest in it: the poor people like to pay the 1 d. or 2 d. a week; it is a small sum, and they conceive by contributing they are to have a vote in the management.

7174. Is it your opinion a payment which is compulsory is more acceptable than when it is made in the shape of a voluntary contribution?—I cannot say that it is.

7175. If the option were given to any barony within your knowledge, whether they should be without schools and therefore free from an assessment, or have schools and be assessed for it, which do you think they would prefer?—I do not believe a barony in Ireland would object to be assessed for schools, provided the plan was generally approved of.

7176. It is in the power of every barony to have a public school according to its own taste?—Decidedly it is, but you cannot get every individual in it to agree to pay voluntarily.

7177. Do not you think it would be of importance also that the inhabitants of a parish should not only approve of the system, but approve of the schoolmaster?—Most decidedly; I think it would be most fair, and give great satisfaction.

7178. Do you think a parish is calculated, as the parishes in Ireland are generally formed, that they are properly calculated to choose a schoolmaster; and do you think it would lead to dissensions and divisions if such elections were held?—I should say they are competent to judge of the merits of a man who is to teach their children.

Thos. Birmingham,
Esq.

20 July 1832.

Thos. Bernadine,
Esq.
10 July 1872.

7179. But would it be practicable without inconvenience?—The Government may choose the master; it would be right; but I think those who are to pay them ought to have some check over the man.

7180. You think an assessment for the payment of the schoolmaster would be a certain check on the schoolmaster, at the same time that the Government would have an equal check by the power of appointment being vested in them?—Decidedly.

7181. Is there not, generally speaking, in Ireland a great distrust on the part of the lower orders towards the Government?—I do not think there is; I think there is a distrust of the lower orders to some of the magistracy of the country; I will endeavour to explain how that arises: The magistrates in Ireland are in many places few in number; they are put often in the most awkward situations possible; when a country becomes disturbed they are the people to put it down, so it is supposed an active magistrate in the country is prized in some places, but the poor people look with some dissatisfaction at what is called a very active magistrate; they think he has some object in his activity to promote his interest with Government or his patron. I do not think the people are opposed to the Government, nor that there is any systematic opposition at all to the Government, but there is an opposition decidedly to things that affect them in particular districts; but to say this is generally the case, I should say not; nor a dissatisfaction, generally speaking, towards the Government, or disaffection to the Government, I am sure does not exist in the country.

7182. The question did not refer to dissatisfaction towards Government, or want of confidence in the Legislature, but merely as to the question of schools; do you believe the schoolmaster appointed by Government is as likely to have the confidence of the parents of the children as the schoolmaster chosen by them in their own parish?—I think the schoolmaster chosen by them in their own parish would be much more pleasing to them. I have had applications lately from several Roman-catholic clergymen in many districts in the west, asking me to join them in getting a school on the present plan proposed by the Government; I never had such an application from one of them under the former plans; therefore I believe that they now conceive the government plan means to give education without distinction of sect or party. I am sure that any master sent down under that impression will be acceptable to the people, however decidedly they would rather choose their own master.

7183. Have you had much intercourse with the gentry and magistracy of the Queen's County?—A great deal at times; some of them are my best friends, and the kindest people are the gentry of the Queen's County; and from all the experience I have had of them I do not believe there exists anywhere a more intelligent, more worthy, or more excellent class of gentlemen than the gentry in the Queen's County, and it has been proverbially a country for such; I spent a great deal of time there.

7184. State what feeling subsists at present between the gentry of the county and the lower and middle orders?—The middle orders and the gentry of the Queen's County I do not think pull together, as their common interest requires them to do, or as we do in Galway. I have not been living so much there lately; I have been only on occasional visits; but I have been an observer of this for some time; I think in Galway that the higher class and the middle order of gentry do pull together better than I think they do in the Queen's County or Kilkenny, and other places; whether it is that there are more of one class than the other in those parts, I do not know.

7185. To what do you attribute this want of concord?—Why, I think there has been a strong feeling amongst the upper orders in these parts that strong and extensive powers should be given to them, to keep what they call the lower classes in order. Now, I am very much afraid these strong powers, if given to them, would only make the gentry and persons seeking for them objects of aversion and detestation afterwards. If the Insurrection Act were granted to them, there is no question but it would; for you have positive proof in Tipperary of that being the case. The Insurrection Act is not asked by them, but stronger power is asked; the gentlemen who step forward and ask for these powers subject themselves, after the ferment is over, to be looked upon as the promoters of those strong measures, and it will require them to use great exertion, and to show great marks of kindness indeed, to overcome the feeling of dislike thus engendered; that is my firm opinion: therefore it is that from seeing the state Roscommon was in, the state Galway has been in, the state that Clare has been in, and that Queen's County

County has latterly been in, I have come to this opinion, that when a country becomes in such a state the gentry should be left to act more as mediators between the disaffected, if I may call them so, and the disturbed parties and Government, and that Government should be the persons to put that disaffection down. Let Government be armed with the strongest powers, if necessary, to effect this object, and have stipendiary magistrates, additional police and military. I am of opinion that the expenses should, as much as possible, be put on the spot where the disturbances occur, and this was the opinion of many of my brother magistrates when Galway was disturbed. But I would implore the gentry of the country to refrain from being the persons to press these strong measures, and to leave themselves free to assist of course in putting down disturbances, but to appear more as the arbiters between the misguided and the Government, and thus to induce them to desist from their wicked practices.

7186. Do you consider it the duty of a country gentleman and a magistrate, instead of enforcing the laws that exist, to become a mediator between, as you say, the Government and the disturbers?—When I said a mediator, I made use of a term I did not mean; I did not mean to mix themselves up with persons, or their acts, opposed to the law. I think the duty of the magistrates and the gentry is to support the law; I am talking generally; but I would rather have the gentry of the country inducing these people to desist from combinations, and the Government are the persons to carry on the measures of putting down disturbances.

7187. Do you believe a popular magistrate can now take such means to put down disturbances as will not very considerably diminish his own influence?—I am convinced a popular magistrate can assist in putting them down; I will give myself for instance: I am the only magistrate in the district, I believe, for some miles round; when the country became exceedingly disturbed, when it became so on Lord Clonbrock's estate near Cappataghal, I sent for all the gentlemen round, I endeavoured to get police and military, and I certainly did endeavour to keep the people from transgressing the law, by telling them this: "If in such a place as Cappataghal you do not arm yourselves with pitchforks and sticks, and beat back those men who are attacking my Lord French's stock, it will be the worse for you," and I got them to join me in it heart and hand. I said, "If you let such people come in there, I will stop the buildings on the estate, and the drains and the improvements, and leave you to the military and Lord Anglesey."

7188. What effect do you think would be produced with respect to the peace of the country, by enacting that all the magistrates should stop tithe meetings or anti-tithe meetings?—I understand by that, getting the magistrates to join the Government.

7189. By employing the magistrates as active agents in dispersing or preventing anti-tithe meetings, such as have generally been prevailing within the last year, what will, in your judgment, be the general effect, the peace or the disturbance of the country?—I must say, as a magistrate, and as an agent managing large properties in that part of the country, having been the means of settling the tithe composition in a great portion of the districts around me, and having up to the last May-day paid the clergyman, I have been hitherto on good terms with the people; whether I shall be so when I go back now I know not; for there have been anti-tithe meetings on that very spot since I left home, and when I go back as a magistrate to disperse these meetings, and then endeavour to collect the rents, they will not value me as much; the influence I have over them may cease, and the rents of the country may not be so easily collected; I may, I fear, have to throw up my agencies.

7190. Putting Mr. Stanley's Bill out of the question, and merely considering there have been tithe meetings and anti-tithe meetings generally prevailing in Ireland, will you say from your experience what will, in your opinion, be the general effect of employing magistrates to prevent or put down these anti-tithe meetings, with respect to the peace of the country?—The magistrate who joins the Government in putting down these tithe meetings will become odious.

7191. Will it, or not, have a tendency to promote or prevent peace?—Decidedly to prevent peace; at the same time something must be done; Government cannot allow these immensely large hodies to meet if this Bill is to be a law; but it is not deplorable that a Bill and a measure should pass which I give you my honest opinion nobody thinks, as it stands at present, will be carried into effect?

7192. Do you not believe that if the magistrates, in these anti-tithe meetings,

Thos. Birmingham,
Esq.

20 July 1832.

Thos. Birmingham,
Esq.
30 July 1832.

take a part with the Government and against the people, that there will not be the same confidence in their decisions, and that the popular party will go to the other magistrates who join with them?—I think it will have a very great tendency that way: I think, as a magistrate I must go out with the military, I must obey my orders; but it will lessen my influence with the people, and they will not look up to me as they did before, if I oppose their favourite plan, which seems so general through the country, for the abolition of tithes. It may not be the case, but I very much fear it will alter my situation with my neighbours if I do determine to carry into effect, as a magistrate, the suppression of meetings which I am afraid, and I hear, have been determined to be carried on in that country.

7193. Will it not very materially tend to revive party feeling and religious rancour?—I fear it will very much.

7194. What effect do you think will be produced, with respect to public peace or content, if there should be acquittals of men prosecuted for attending tithe meetings; will it tend to promote the peace or the disturbance of the country?—I think the acquittals will promote the peace; they will be matter of triumph; but it will not be bringing the Government and the people together as I wish.

7195. In the part of the country about Ballydonelan, is it not the case that the general farmers on the neighbouring estates are well-affected persons?—Yes, perfectly.

7196. Are they not in that situation that they are obliged to connive at the nightly disturbances, and afraid to act, or give information that other properties have been disturbed?—I think they are afraid to give public information, but I say they are anxious to come and explain what is going on, and to assist as far as they can; no men are more inclined, it is their own property which is at stake.

7197. Are the well-affected farmers in the county of Galway afraid to come forward publicly and give information, and do they not know and connive at a great deal which they would give to a person they had confidence in, if they were not brought forward as public prosecutors in a court?—Certainly, I think there is; I have known instances of that; if a man turns away his shepherd his flocks are left without one; there are the lambs to be attended to at particular seasons of the year, if he turns off a shepherd and appoints another. In some places there is a combination going on, as much as to say, you shall not get rid of a servant who does not suit you; but I wish to remark that I have got a great deal of information in that way, which has enabled me to call together the gentlemen of the country to back their people, as I before described, and in that way you may bring the information you have got to hear, without the parties being known; you may unite and join several in putting that down, but above all the landlord, for if the landlord is not present he must have a representative who will expose these things; he must protect the tenantry and give them his advice. No doubt the landlord would have a great effect at all times by supporting the tenantry in this way, and putting an end to disturbances.

7198. Then you look upon the property of absentee landlords as liable to a greater degree of excitation, from the want of the intelligence of that class of persons to which the landlord would belong?—Yes, in the distant parts of the country.

7199. Take the barony of Athlone, in the county of Roscommon, and part of the county of Galway, with which you are acquainted; is there not a vast of resident gentry of sufficient weight and authority in those parts of Ireland to act in the manner you state?—Most decidedly, and particularly in the barony of Athlone. Now, Sir Charles Coote has a property there, and in the most disturbed times in the county of Roscommon I did not hear of an outrage on Sir Charles Coote's property; Mr. Talbot is resident, but nothing happened on his estate. Lord Clonbrock has been a kind man; disturbances have happened on his property; but when we came to consider the matter, and to consult with the General of the district, Sir Thomas Arbuthnot, he kindly endeavoured to make out the causes of these outrages for Lord Anglesey, the levelling of ditches, the levelling of walls, and all sort of things, they called them devilments, which were going on in the barony of Athlone: he came to Mr. Talbot's, and told us there was a person on Lord Clonbrock's estate who had got considerable abatements from his Lordship; 200 *l.* a year out of 700 *l.*; but that he oppressed the people under him, and the greater part of the disturbance arose from that very cause on that very spot. I went to the spot; I ascertained the truth of it; I took strong measures to get into possession of the land; I said to the tenant, "You are charging a guinea and a half an acre for your worst land to the poor people, whereas we are giving it you
at

at 16, 17 and 18 shillings an acre; you have not made a reduction to your people: you charge 8*l.* and 10*l.* for your con-acre, and you are giving them 7*d.* and 8*d.* a day to counterbalance that: we will stop the 200*l.* from you, unless you surrender your lease, take a new one of the part you have in your own hands, and of the other part his Lordship will take possession and deal with the tenants." The consequence was restoring peace to the country. The special commission came, which was of great use, but that part of the country has been completely restored to peace; these people have been going on so well that I must beg of the Committee to allow me to show them a map of that part of the estate; it is called Castle Sampson. His Lordship took 30 or 40 families from one part, where they were crowded together, and put them on a mountainous tract, adjoining a bog; he allowed me to build them neat houses, costing about 20*l.* each, consisting of three apartments generally; to make drains for them; the little map is descriptive of their present comfortable situation; and the place they have left is better managed by those who remained. The expenditure of 1,000*l.* has restored peace to the county, and has saved many of those poor wretches from being Terry Alts.

Thos. Bermingham,
Esq.
20 July 1832.

[*The Witness exhibits several Maps.*]

7200. How far do you consider the disturbances in the country to be from real grievances, and how far are they premeditated: they are partly political and partly from suffering?—As far as the tithe question goes, that is a political question.

7201. There are political advantages to be gained for the Irish that force them to discontent?—The political question is the tithe question; I think that is the sole political question.

7202. The other question is lowering of rents?—That is the local grievance; a tenant, a middle-man, getting considerable reductions himself, and giving none to his under-tenants.

7203. Among other things, is the absence of the landlord a local grievance to a certain extent?—With regard to the absent landlord I should say that I cannot conceive a man being in England, being called an absent landlord; I conceive the two countries are one; but this I say, he should leave behind him the means of improving and employing the people that are on his estate; if an absent landlord does not do that, he is a loss to the country. I wish there was a law that would compel him to do it; but at present, when the landlord is present, it depends on his character whether I should say he was a loss, but his income and means are a loss; if he left that, unless his example and character had a moral influence over the people, I do not see that his absence is a loss.

7204. As to grand juries, are they really any grievance to the poor classes of people and farmers on the present system, and does it cause discontent in a remote country; in distant parts of Galway and that barony of Athlone, is there dissatisfaction on that subject from the manner in which the presentments are granted, and on the levy; how far that operates, state what your opinion is on that, and what alteration you would suggest?—I think there is very great discontent; it is not supposed that the grand-jury cesses are given in consequence of the wants of the road of the district, but it is very much imagined that they are given from local interest, one having an interest the other does not possess. I think great dissensions arise from the mode in which the grand-jury rates are made in Ireland; I think there is a great deal of cause for it, and the people are very much discontented with it; the grand-jury assessments might be turned to very great advantage indeed, if they were done generally for ready money, but the favoritism the system admits of creates discontent.

7205. It gives great dissatisfaction and a great evil to the poor people, and causes discontent with their superiors?—It does.

7206. Do you find in your intercourse with the people they express their dissatisfaction at this as one of their grievances?—Yes; and they value the contrary conduct exceedingly.

7207. How far do you conceive that a system of poor-rates would be advantageous to the tranquillization and happiness of the people; how far do you think it would be useful to any extent you may mention, and would tend to the tranquillization of the country, and lessen the great police expense, and the expense of prosecutions; and what is your opinion generally on the subject of poor-rates?—I have made it a point these last two months to go through some parishes in England; I have examined half a dozen; I have come to the conclusion that

Thos. Berwickston,
Esq.
20 July 1832.

they are bad as they are managed here, but I would prefer having them to none; but I would like to avoid the evils of the English poor-law; therefore it is I have shown that map of Ireland, in which I have pointed out the various works in the north, and in the south, and in the west, which I think would be useful to carry on in the way of public works. I would have no poor-law, but a law for giving employment to the able-bodied persons upon those works, having a Board of Works under the control of Government to execute those works: but there is one thing wanting, which is funds; funds for these public works; and funds for (in some places) cultivating the waste lands, could be made out if Government went earnestly to work, and thus would poor laws, such as England groans under, be avoided.

see Appendix
No. XI.

[*The Witness handed in some Maps, and a Paper giving details respecting them.*]

7208. There is a great excitement in Ireland on the subject of tithes; do you think, in any of the parishes at present compounding, if the plan Government has proposed in their Report, of purchasing the tithes at 16 years' purchase, do you think in any of the parishes where the composition is low, as low as 10 *d.* an acre, the landlords and tenants would be inclined to come to the accommodation of 16 years' purchase, and thus extinguish the tithe for ever?—Six months ago I should have said it was a great boon, and I stated very much that plan in my testimony on the Tithe Committee; but in the very place which I adduced as an instance, I have a statement of those meetings at Ballynacawun, the other day; the people can hardly be restrained. I do not think the landlords and tenants will join now in the same plan which they would have joined in six months ago; I do not think they ever will join in the plan until it is known what is to be done with the sum when it is collected, and then there will be no difficulty, when the object is defined to which the sum so raised is to go; for the people are given to understand that some of it should go for education, and some for the poor, and that all is not to go to the established church, for whose ministers they think a smaller sum would suffice, after the present incumbents shall die off; and I would go with them in this, and in providing a house and farm for the Roman-catholic priest of the parish; it would tend to tranquillize the country, and to induce the Roman-catholic clergy to join more in keeping the public peace, and at the same time tend to relieve the people from the great expense, the dues of the Roman-catholic clergy, which in many cases are very severe. The relief from parish cess for repairs of church, clerk, &c. will be felt by the people; it is now very galling, particularly on Roman-catholics.

7209. What is your opinion, if a local committee, composed of two or three persons, yourself among the number, with certain powers from Government, were to go and inquire amongst the people into the causes of distress, how far would the people be inclined to listen to their advice, and to come into a compromise; to hear those general complaints on that and other subjects connected with the local state of the country?—I think even now it would do an immensity of good, if they had an idea the Government would listen to the suggestions of those people they sent amongst them.

7210. It would do good if the character of the persons going had the confidence of the people?—Yes; with regard to myself, I have no doubt I could ascertain the value of the tithe, and the feeling of the gentry and people in the west of Ireland, generally, in a very short time; but what I would like to repeat again, is the danger I feel in the magistrates of the country being now called upon to disperse those large meetings, which are very tremendous and very alarming; but I am afraid myself, if I am called on in putting down these meetings, that my influence may very likely be weakened: I possess the kind feeling of the people around me, and I have never yet failed to obey any order sent me as a magistrate, or swerved from doing my duty as one.

7211. If you think the influence of the magistrates would be destroyed by suppressing these meetings, what course would you recommend the magistrates in Ireland to take if they were called upon?—They must act; I must act though it might subject me to that.

7212. You stated just now, did you not, that if you were called upon to act in co-operation with Government, you would resign your agencies and leave the country?—It may lead to that.

7213. Do you think it would not be the duty of the magistrates?—I must stand my ground as a magistrate; I will not resign; I will not the part of a man not upheld

uphold the laws: I am only telling you what it may lead to, it will lead to my becoming unpopular, and losing that influence which I feel I possess.

7214. Do you consider that any magistrate at present in Ireland can discharge his duty with fidelity as a magistrate, and at the same time retain the affections of the people?—Excepting on this late occasion of tithe, I am quite sure he could; in the height of the disturbances he could do it; there are a vast majority of the people of the country that are glad you join them, and step forward in putting down disturbances; but here is an insurrection and a cry through the whole country for one particular thing, and at a period of such excitement you must be aware what a hard card the magistrate has to play: when he comes to act in support of the law, I am afraid he will lose his hold of the people.

7215. Is it not the fact, that on every occasion of public disturbance, that magistrates who have been discovered on the ground acting, have become most obnoxious to the people?—I have before stated so; the active magistrate of the country was rather considered by the people as against them.

7216. The principal necessity for magisterial exertion arises out of disturbances, and out of the disturbed district of the country; and if a magistrate is not active in the suppression of disturbances, do you not think he is so far guilty of a dereliction of his duty as a magistrate?—I conceive so under the present law, but I should like to see it altered; I should like to take the magistrate in a period of excitement more out of the field. I would have the Government send stipendiary magistrates, send police, and send soldiers, and I would have the magistrates act under them at that period; so that the anxiety of the magistrates would be with the people, to settle the matter and end the disturbances, and get back into their proper place; but at present you put the magistrates forward as the stalking-horse, and they become inimical to the people. They have but one line to take, to be sure; but if, when a country was disturbed, the stipendiary magistrate, with the Lord Lieutenant's assistance, with the troops, and with the police, took the part which the magistrates would otherwise be obliged to take, it would leave them more open to kinder feelings on the part of the people, and perhaps they would come and surrender to them.

7217. You would have the magistrates act under the jurisdiction of the government authorities, in case of disturbance, and not permit the magistrates to direct the government authorities?—Most undoubtedly, from a kind feeling to the magistrates.

7218. Do you not think that such an arrangement must refer rather to the comfort and convenience of the magistrate than to any influential administration of justice?—I think not: there are many magistrates of the country not capable of acting in such a crisis; as for myself I am very ignorant of the duties of a magistrate; I have been but two years one. We have no petty sessions near me, but the way in which I act is this: when a police constable comes to my house, and says, such a thing you ought to do for the preservation of the peace, I act at once, referring them to the next sessions; I say, I am not very conversant with the laws; and a great many of my brother magistrates in Ireland are not fitted from their knowledge and experience for thief-takers, half so well as half a dozen of your stipendiary and police magistrates: that is what I feel; not that I want them to shrink from their duty; let a man take a bold line and do his duty: but they should not be put forward as the stalking-horse; they should be left at that period more as mediators. I of course do not mean that they should join in their plans, but they should pacify, they should be pacificators, and use their influence in that way in doing kind actions.

7219. Are there not some vast tracts of land which might be improved by cultivation; and do you think any and what measure could be taken for the cultivation of such tracts?—That was very much said before: there are various tracts, and there is no question, as I said before, but, in the law of settlement, a power being given to the proprietor of the estate to make those improvements, to borrow money and charge it on the estate, would tend very much towards it; but this I would say, public lines of communication, which Government ought to do, would tend, by bringing the produce of those districts to a better market, to induce that cultivation.

7220. Are not the public lines of communication in the remote districts in Ireland so imperfect, as that those mountainous districts become the recesses for ill-conducted characters, and there is almost an impossibility in apprehending them?—Most decidedly; and wherever an opening has been made through them the revenue of the post has increased most prodigiously.

Thos. Berrington,
Esq.

20 July 1832.

Thos. Bermingham, Esq.
20 July 1834. 7221. Do not you conceive that it would be a most important measure if Government opened those districts, with a view to the peace of the country?—Most decidedly; and there is one thing more I wish to put on record; I wish to say this: that to restore peace to Ireland, it never will be done unless there is a junction between the middling and better class of people, and the upper orders, cordially to unite with the clergy of all persuasions, but more particularly with the clergy of the Roman-catholic church; they must take them to their aid, and they must take all the means they can to induce those people to join them. The Roman-catholic clergy I put first; the middling description of farmer must be got to assist; they must try to get rid of all those feelings that from time to time have been engendered and got into their constitutions, almost unknowingly; they must try to protect each other, to save the country, for it is in imminent danger at this moment, if such cordial junction does not take place.

7222. As a magistrate, have you experienced much difficulty in keeping the people in the west of Ireland peaceable, those persons with whom your business brings you into contact?—I certainly before stated that I found the greatest willingness among the people to follow any advice which I have given them; I believe they look on me as a friend as much as anything else.

7223. Do you know anything of the character of the Sub-letting Act, and how it affects the peace of the country?—Of course I know the effect of the Sub-letting Act; the effect of that Act as regards myself is, that I make very few leases at all; I have made scarcely a lease in the county of Galway for five years or six years.

7224. How does it operate, beneficially or otherwise, or what alteration would you recommend in it, with a view to the satisfaction of the people?—There is no question that the Sub-letting Act, or a great part of it, is very good, by giving a man a power to lay out his land as he pleases, and keeping it so managed as is best; the law certainly should give him the power of doing it; so far as that goes the Sub-letting Act has my warm approval, but I think that as the improvement of any estate will depend on getting rid of some of what are called the surplus population, and as the Sub-letting Act prevents those persons from finding shelter in other properties, it is not so well. I am clearly of opinion that a law by which those persons when so sent away shall be employed in public works, and again located in the very places gained by such works, or in other words, taking care of the people that are necessarily sent out of the district, and providing them with other places, that I think will make the Sub-letting Act palatable in the country, and with a very little alteration would make it most useful, providing for those persons who are pressing on some parts while there is room enough for them in other places.

7225. How far do you conceive it would be advisable towards the welfare of the inhabitants, with a view to the tranquillity of the country and the facility of apprehending the offender, how far do you consider it advisable to prevent the evil of grand-jury assessments on particular parts of the road being granted, that there should be skeleton-maps in each county of all the great lines of communication between market towns, and that it would be for the benefit of the country that no other lines but those should be provided for by presentments?—I think it would be most important.

7226. How far would you class those roads?—I think that the question leads to this, the employment of a proper engineer in laying out the necessary lines of road, and having such lines well known and well approved of before they are done; then I think nothing can be better, it takes away all partiality; and I would put the leading lines of roads through the kingdom in the hands of the Board of Works; I would have them executed by the Board of Works, and I would have parish or local assessments for leading lines to them; but whatever you do, the question leads to publicity, it leads to proper surveys, and there has been the greatest waste of money by doing things by halves, and by improper lines being laid out and done by piece-meal.

7227. Would you think it advisable to recommend that upon an application at a meeting of the applicants or inhabitants of the barony, of a great majority of the rate-payers, they memorializing the Lord Lieutenant to have any line of road put under the board of works at present in Dublin, and with the consent of the grand jury, would you recommend that a Bill should be brought in for that purpose, and that they should be empowered to take under their cognizance any of those lines of road?—Decidedly I think it would.

7228. Can you state any case?—I think that in the parish of Moore, in the barony of Athlone, in Roscommon, a most disturbed district, it always has been

so through that district: if lines of road were laid out and made under a proper engineer, it would tend more to tranquillize that country, because it would employ the people, and it would open the fastnesses; they are shut up there, and you want to get at them when they are disturbed, and when they are not disturbed you want to employ them.

7229. Would not the same effect be produced by opening the mountainous country between Galway and Clare?—Most decidedly; and I before stated that the great object I have in these improvements on the Shannon and the others, is bringing them up to the verge of these mountains, and making roads to the Shannon to make it accessible to get troops to act, and it would afterwards afford the means of bringing the produce to a better market, so that on all hands the opening of the mountainous country would be of the greatest service; and the opening it under intelligent engineers and under a proper system, not turning to the right or the left, but above all, finishing, for in many parts of Galway they begin a road and carry it to a spot and leave it; let the line be well laid out, let the funds be looked to, but let the road be completed. Would the Committee allow me to state what I should be very anxious to mention, that is as to a stipendiary magistrate? I have asked a great number of our country gentlemen, I have endeavoured (since I have been waiting here three weeks or a month, to be examined) to learn how far my opinions went with others; I believe a stipendiary magistrate, constantly residing in the county whatever he is in, one officer who should assist the magistrates, who should take cognizance of outrages when they are in their infancy, when they are in their bud, and check them, would tend more to pacify the country than anything; nothing would tend to prevent disturbance so much as that: these creep in from district to district; you should put on a bold front, which can only be done by a military officer, or by some experienced thief-catcher or policeman, to bring all your forces on that point; by such means, used in time, you may save a district. Again I would say, when the country becomes disturbed the stipendiary magistrate and Government should decide what police force is necessary, the magistrates should act under the stipendiary magistrate. In fact, the magistrates do at present very properly leave the appointment of the police to the inspector of police; and in general do follow the advice and directions given by him.

7230. You would have the stipendiary magistrate at all times, whether the country was disturbed or not, take cognizance of what passed?—Certainly, and in times of tranquillity he should act under the magistrate; but when it became disturbed I would have the magistrates to act under the orders of these stipendiary magistrates, and thus take off them the responsibility, and out of the very often unpleasant situation which they are brought into by being the only persons obliged to step forward to preserve the peace of the country. I have found great advantages from the police force; they are a most excellent body of men. I know that Paddy requires constant watching; you must not keep what they call a tight rein, but have the horse well in hand; at all events you must do that with Paddy. But unfortunately the magistrates of the country are called on at this outbreak to do everything; to be at all the sessions, at all the hard work; and not having the means afforded by the Government afterwards, or by laws, of giving employment to the people, and thus showing their anxiety for the good of the people, as much as I know they have at heart, I would certainly not throw all the burthen on them of tranquillizing the country.

7231. You are aware that the present registration of arms is made before the clerk of the peace at sessions; would you recommend, that instead of registering before the clerk of the peace, the man should register arms at the petty sessions, and should enter them in a book which could be called for at any time, which should be kept by the magistrates; and in case of a disturbance, if the party registering his arms parted with them, he should give notice of so doing under a penalty; and that it would tend to the peace of the country if the magistrates had access to know what people had arms?—I think it would be a most excellent plan, because it would be accessible at all times.

7232. Do you think it would be better than the present plan of registering with the clerk of the peace?—Yes, I think it would be very important; but some influential person should call on them, to look over these arms. I should be sorry if it appeared that I was anxious to have the people armed, for I have a strong opinion to the contrary. I am certainly very much opposed to arming the peasantry; I am even very much opposed to arming the middle class; they cannot

Thos. Bewington,
Esq.
 20 July 1832.

always be in their houses, and having such is an inducement to come to their houses. I would not have any one class armed and the other class not; you must do away the feeling as much as you possibly can that one man has a right to keep arms and another has not. In these disturbances in Galway I found they were arming certain men in our neighbourhood, of certain opinions and of certain creeds; and the effect was, that some of my neighbours came to complain: now I would not give arms to any; if a man is entitled to these arms, let him enter his name in the book, and be watched, and be bound to produce them. I am not for depending on the arming of the people, but I am more for the kind good feelings of a neighbourhood meeting and driving away bad characters who are in the country, without arms; but above all, do not arm one class, for as surely as you do, you bring all the mischief upon you, and you will be obliged to have other arms to put down the troubles thus created.

Mercurii, 25^a die Julii, 1832.

THE RIGHT HON. SIR HENRY PARNELL, BART., IN THE CHAIR.

Mr. John Cahill, called in; and Examined.

Mr. John Cahill,
 25 July 1832.

7233. WHERE do you reside?—In the neighbourhood of Carlow, in the Queen's County.

7234. Do you hold a considerable quantity of land there?—I do.

7235. And what profession do you follow?—That of a surveyor and civil engineer; but I am only a surveyor of large estates.

7236. Was that district of country which lays between the colliery hills and the river Barrow much disturbed?—No.

7237. Is that where you live?—Yes.

7238. Was the district called the colliery district very much disturbed?—It was.

7239. Is the county quiet at present?—Very quiet.

7240. Do you understand that to be the case in the whole of the Queen's County?—I understand that to be the case, at least as far as Mountrath.

7241. Do you know any thing to the contrary with regard to the other part?—No.

7242. Is the county of Carlow quiet?—Very quiet.

7243. And the county of Kildare that adjoins Queen's County, is that quiet?—It is quiet.

7244. Is it not the case that those disturbances, particularly those arising from the Whitefeet and Rockite associations, are now nearly all subsided?—I should suppose so; in my neighbourhood I have not heard an instance of any trouble or any riot this last month.

7245. How do you account for that state of disturbance that got into the colliery district?—I shall briefly state to the Committee that in the year 1800 the Grand Canal Company had taken a lease of mines, of what they called the Harpole Royalty, for the sum of 500*l.* a year, and their lease expired in 1831; they generally engaged 800 colliers, and in 1831 their lease was out, and it then became the property of Mr. Bowen and Mr. Lackey; Mr. Bowen and Mr. Lackey had let the mines to Mr. Edge, one of the clerks of the Company, now a civil engineer, for a term that is not commonly known in the neighbourhood, and he also had taken 500 acres of the ground that the Company had before let to different people, for a sum not known; he had also agreed with the Company, by a report, for the arrears that were due to the Company in 1831, supposed for a very small sum. This he ran a risk for, because if he was not able to collect the money, of course he was a loser himself; but Mr. Edge now having the colliery, he will not lose, as is supposed, one shilling, because he stops the arrears from the colliers, or a proportion of it, every fortnight, in their pay.

7246. How did this lead to the disturbances?—Then in 1831 there were 600 colliers thrown out of employment; Mr. Edge now has but 200, and the Company had 800, and 600 now remain idle.

7247. And were there colliers turned off from other collieries?—Mr. Stapleton had 100 colliers engaged, and in 1831, much about the same time, the level that he had carried up to his colliery failed; he struck, what is commonly called in the colliery,

colliery, a stone fault, and the ground became convulsed, and the coal was lost and disappeared, in consequence of which there were 100 colliers thrown out of employment.

7248. Were any turned off at Mr. Fitzmaurice's colliery?—Mr. Fitzmaurice's colliery in the same way, in 1831, struck a stone fault, and 70 of his colliers were thrown out of employment.

7249. Were there any more in other collieries?—In Modabaigh colliery there were 70 colliers then at work with Mr. Hanlon, a gentleman from Dublin, and 20 of them were thrown out of employment. There are now but 50 at work, 20 in one pit and 30 in the other. In Mulloghamore colliery, belonging to Lord Portarlington, and let to a tenant of the name of William Dunn, he, for want of capital to carry on those works, failed, also owing his lordship, at least, about 300*l*. His lordship excused him the arrear, and took his colliery, and it remains idle; there are 30 men out of employment there.

7250. Then do you attribute a considerable proportion of the disturbances, if not all, to the throwing out of employment of this great number of colliers?—Eight hundred and thirty colliers were thrown out of employment.

7251. And were there any other circumstances that contributed to that state of disturbance that has taken place?—There were.

7252. What are they?—There were a good many people evicted and turned out of their farms.

7253. How many years ago?—About four years ago, and who have remained for the most part strollers in the place ever since. There was one gentleman evicted 80 persons; there was another gentleman evicted 96; there was another gentleman 95; there was another gentleman eight; there was another gentleman eight; in all, with the colliers left idle, 1,126.

7254. Does that number apply to individuals or families?—Individuals.

7255. Were these cases where the lands had fallen out of lease?—They were.

7256. Has the system of dividing land been general in your part of the country?—Not of late.

7257. Then the landlords find, when their leases fall out, numerous tenants on their land, which they themselves had actually not put on the land, namely, as being under-tenants of their tenants; is that so?—Gentlemen have agreed to make the farms, in my opinion, as large as possible, and those people who remain on the farms are generally evicted and put off, as is the case which I stated of these gentlemen who turned out the numbers I have stated.

7258. Do you conceive that it has been these individuals who have been so turned out from want of having proper means of supporting themselves, who have become wanderers and vagrants, and the source of the Whitefeet association that prevailed in that part of the country?—I do very much consider so; there were 1,126 of those poor people who were evicted, with the idle colliers going about, left idle in a part of two parishes, and all that within about six miles of each other.

7259. How does it happen you are able to speak with so much accuracy and confidence on the numbers?—Knowing the barony so uncommonly well, and I have gone through the collieries making the inquiry, and knowing the greater part of all the families that were evicted.

7260. Do you know them by name?—Yes, I have their names.

7261. Are you able to trace what has become of them in the course of the last four years?—Yes.

7262. State generally what has become of them. Do they continue wandering about?—I have known on one estate, which is near me, and which I had regulated for a gentleman, there has been a great many of the old people turned off that became beggars, and a good many of them died of want.

7263. Do you mean died from want?—A kind of distress; being turned out of their houses, and many of them became beggars and died; more of them are labouring in different parts of the country, but the old people in general died; I can state to the Committee the number that died to my own knowledge.

7264. When those people are ejected, is it customary for them to remain lurking about the place where they formerly resided?—When they are ejected they are generally put in by the agents at 6*d*. a week, and left a little while until it is convenient for them to remove, generally perhaps a quarter of a year, or two months, and then they become paupers; because, according to the Subletting Act, they can get no land; at least it so happens in my neighbourhood.

Mr. John Cusack.

25 July 1834.

7265. You have stated a great number of people were evicted; are all those who were evicted, except those who have died, remaining in the neighbourhood of the place where they lived?—But very few.

7266. What has become of the rest?—I do suppose some of them are in Dublin; many have got off into the country and County Kildare, at service; I could trace more to various parts of the hardy——

7267. The Committee are not to understand the whole, nor any thing like the whole that were evicted, remained as disturbers or vagrants in the county?—I believe they do; some of them I know myself, and indeed, I believe those that do remain are the most troublesome; that is my opinion.

7268. Before the Subletting Act was made the law, was not there a general indisposition throughout the whole county of allowing pauper tenants to get possession of the land?—They got possession of small portions by agreeing with the farmers.

7269. Had not the change of prices and change of times made it, as it were, a new system, to avoid allowing any new tenant to come on in the shape of a small tenant, or even the poor people to get land as labourers?—It was not usual in the country where this good land was, to allow people to take small portions; it was usual in the colliery districts, and where the land was not good upon the mountains.

7270. The object of the Subletting Act is this, namely, that when a tenant enters into a covenant not to underlet, that the landlord shall have the power of making him fulfil his agreement; is not that the case?—It is.

7271. And therefore the provision of the Subletting Act has merely been to make the law effective in supporting a mutual agreement; is not that so?—That is so, I understand.

7272. Are you aware the Subletting Act has been altered this session?—I have lately heard it, not before.

7273. Does it occur to you that that law, which in any degree prevents the holders of certain portions of land from letting the poorer classes have smaller portions still, is injurious?—That is my opinion.

7274. Do you think a law which throws an impediment in the way of a poor man getting a small portion of ground, has an injurious effect as to the peace of the country?—I do suppose so.

7275. Suppose the landlord was not protected, and unable to enforce the covenant in a lease against subletting; would not that circumstance necessarily have led landlords to refuse to give leases, as the only means of preventing their farms from being subdivided?—I believe it might be an inducement.

7276. Are you aware that the causes of the no-leasing system in England is, that the landlords were driven into it in order to avoid the splitting of the farms by tenants, in the same way that they have been split in Ireland?—I have heard so.

7277. Do you know any thing about the English tenure?—I have seen them since I came over.

7278. Have you observed any great difference between the state of England, as far as you could judge from appearances, and the state of Ireland, as to farming it?—A very great one indeed.

7279. Describe to the Committee, as it occurred to you, the appearance of the farms, and the residences of the labourers?—The first thing I was looking out for was to know where the poor were living; I could find no houses on the roadside for the poor; for the first 20 miles I did not much mind that, but after that I began to be surprised I could see no cottages along the road, as there are in Ireland.

7280. What further struck you?—I then began to look out for the farmers' places, thinking that they might have their workmen conveniently settled; still I could see no house, and I am at a loss at this very moment to know where the farmers get men to work their lands, such as they have.

7281. Did you not observe villages?—I did, a great many villages; I could not suppose from the houses I have seen in villages, that they could be the houses of workmen.

7282. You did not see any vagrants without employment, or dismissed colliers?—Not one; but I have seen coming along in the steam packet a great many men from Galway.

7283. Did the country appear to be better managed and farmed in England than

than in Ireland?—A good deal better; but it appears to me there is a greater quantity in general of the land thrown into tillage than we have in Ireland.

7284. Supposing the fact was, the labourers lived in small villages, and they were paid in money wages, and did not depend on holding land for their support, and that the land was farmed as you have seen it here, would you not say that that was a better system than the Irish system, on the whole?—I believe it would be better for them to have a bit of land.

7285. Do not you believe it would be better for the Irish labourer to receive fall as good wages in money every week during the year, than to depend, as he now does, so much on the possession of a piece of land?—I believe it would for such a year as this, when provisions are cheap; but in dear years they then would be in a bad way; a bit of land would then be best; potatoes are not more than two-pence a stone now.

7286. With regard to rents in your neighbourhood, do you consider them high?—I do.

7287. You are acquainted with the value of land; you have been an agent, I believe?—Yes, to the two Mr. Briens, for ten years.

7288. They were at their highest in 1816, were they not?—They were at their highest from 1810 to 1814.

7289. Did you hold a good deal of land at that time?—Yes.

7290. Now, what change has taken place with regard to the price of the principal articles of produce?—I held a farm from 1810 to 1814, for 80*l.* a year, it is now let for 39*s.* an acre.

7291. What was it let for when you paid 80*l.* per annum?—Four pounds ten shillings an acre.

7292. Do you think 39*s.* is too high?—I understand it is more difficult for the tenant to pay that 39*s.* than for me to pay the 4*l.* 10*s.*

7293. What price did you get for corn and cattle when you paid 4*l.* 10*s.*?—I sold my wheat in 1812 for 65*s.* a barrel; that is 20 stone.

7294. Mention any thing else?—I sold my barley for 30*s.* a barrel of 16 stone, the same years of 1813 and 1814, and my oats for 25*s.* the barrel of 14 stone, several hundred barrels.

7295. What would be the price of the same corn now?—I sold my wheat this year for 29*s.* a barrel, my oats from 8*s.* 6*d.* to 9*s.*, my barley from 15*s.* to 15*s.* 9*d.*, a great quantity of potatoes 4*s.* 6*d.* every 24 stone. I sold my seed potatoes for 1*d.* a stone; I could get no more. My springing cows I sold in the years 1813 and 1814 from 14*l.* 14*s.* to 16*l.* 16*s.* each, and my dry cows generally from 9*l.* to 12*l.* each.

7296. State what has been the fall on cattle since these years?—I have sold my dry cows this year, tolerably good ones, from 4*l.* to 5*l.* a piece, in the fair of Loughlin.

7297. And the milch-cows this year?—I have sold but few, and I got from 6*l.* 6*s.* to 7*l.*, and 7*l.* 17*s.* 6*d.*

7298. You have stated this year that wheat sold for 29*s.* a barrel, and that the rent of the land to which you have alluded was 39*s.* an acre?—I have not that farm now; the farm I originally paid that rent for is now set for 39*s.* an acre.

7299. Is it not generally considered that the rate of land per acre has been guided by the value of the barrel of wheat?—Of course, by the produce of the farm.

7300. And from your evidence, would it appear that a barrel of wheat produces but 29*s.*, whereas the land is let at 39*s.*?—Yes, but then the land that only produces 39*s.* per acre, for that there would be from 10 to 12 barrels of wheat.

7301. What is the average produce of an acre of wheat in your neighbourhood?—It may be counted from 10 to 12 barrels; I have generally more; my land is very good where I am.

7302. Supposing you continued to sell wheat at 29*s.* a barrel, and that you paid 39*s.* an acre for the land, have you ever made a calculation how much would be the profit to you as a farmer to live on by that mode of managing the land?—I have. Were I to pay 39*s.* an acre for that land that I originally paid 4*l.* 10*s.* for, I should become very rich.

7303. That is paying all the expense of culture?—Yes.

7304. Then at that rate you could afford to sell your wheat for 24*s.* a barrel?—No, I could not.

7305. What could you pay so as to afford to live?—I cannot say.

Mr. John Collis.

15 July 1832.

7306. A farmer cultivating 50 acres of land, what should he obtain to live upon, paying 39s. an acre for his land; half of his land in oats, and half in wheat?—The man who pays 39s. an acre would want to have 10 barrels of wheat an acre to pay that.

7307. What would be his profit?—I do suppose that perhaps he could support his family perfectly well; I had 182 acres on that farm for which I paid 806*l*.

7308. You have lived in that neighbourhood, and have always lived there, I suppose?—Within a mile of it.

7309. You have seen it in its various states; you have seen the disturbances begin?—I have.

7310. Can you suggest to the Committee any line of conduct which you would prescribe, either to the gentlemen or to the farmers of the county, in order to improve the state of things, and to prevent these disturbances and these calamities; what would be your general advice for the management of people generally in the part of the country in which you live?—I will state what I conceive to be a good mode to put an end to disturbances. I must look back to the years 1810 to 1814, when there was an extraordinary price for the produce of land; there were also extraordinary prices for the labour of men, and in consequence of that the men were much inclined for labour, and the farmer getting extraordinary prices for his corn, and for various things, he was inclined to carry on a great many works that are now abandoned in the country. Farmers in those times who had wet lands were in the habit of draining the land, and farmers in those days were constantly top-dressing their lands with manure, and liming the lands on the surface.

7311. Then they were generally in the habit of cultivating the land better than they have been since?—They were: now, the produce of the land not being sufficient to enable the farmer to carry on those works, he is obliged to decline employing the people.

7312. Must not that arise from the rents being too high in proportion to the prices?—From the rents being too high.

7313. Is there any other reason?—Through the country where I live the rents have fallen about one-third.

7314. How long since?—Since 1820.

7315. And are things growing better since?—Last year it was a tolerably good year for the farmer; I think he stood his ground pretty well last year; but the farmer has failed this year; the prices last year were better, and all farmers have gone back who have had dear land this season.

7316. Taking into calculation the period from 1820 to the present, have the farmers gone backwards or forwards?—I think they are stationary from 1820 to 1831; but they are certainly on the decline this year: I will give the reason why they are on the decline; they threw a great quantity of their lands into tillage two years ago, when the wheat was 39s. a barrel, and in fact the farmer has thrown too much of his land into tillage, in consequence of which his farm has declined, the quantity is reducing, and his crops will not be so abundant.

7317. Then he was misled in his management by the high price of corn?—Yes; but he was obliged to pursue that plan from the prices he paid, or he would fail.

7318. Did you fall into that error?—I did not; I kept a dairy.

7319. Then it was the error of the farmers who acted in that way?—It was the error of farmers who pay a high rent; I have cheap lands.

7320. The questions that lead you to those answers were, whether you could suggest any thing for the improvement either of the country in the way of cultivation or management of the people, or any thing connected in any way with improvement?—I will tell the Committee what I have been turning in my thoughts very frequently: if there were commissioners appointed to value the land in the country between the landlord and the tenant, and these commissioners to be gentlemen, the farmer could have the land for a fair price, so as to be able to go on in the way he usually did; the farmer would be then able to employ the labouring men thrown out of employment; he would be able to employ their sons in driving his ploughs and harrows as usual; he would be able to employ the labouring men's children; his daughters binding his corn, and making his hay, and the labourer's wife in milking the cows. Then he would give potato-land, to the labouring men working under him, and his land would be improved. At present he is endeavouring as much as possible to make up the rent, his land
being

being rather high. He would give the grass of a cow to a poor man, and the poor man would have milk, while at present the poor in my neighbourhood have not a drop of milk from December until May, but eating only dry potatoes.

7321. Is that true of those who have employment?—I mean all the labouring men are in that situation; and then from May until December they generally get milk from the farmers whom they work with, such for instance as from myself, and the farmers, graziers and dairymen around about me; but if the plan that I proposed was adopted they would have milk of their own, because every farmer then would give an industrious ingenious labouring man the means of so doing.

7322. Does not all you have been saying seem to lead towards this, that the land at present is too high; is that your opinion generally throughout the country?—It is too high.

7323. For the present state of prices?—It is so.

7324. How do you propose these commissioners should be appointed?—I do not know that, I have only stated it would be a good plan; it would be for others to propose that.

7325. Would it be a better plan if the landlord was persuaded that the tenants pay more than they are able to afford, and therefore that they should reduce their rents?—It would be the best plan. Mr. Pollard has a great estate in my neighbourhood, and I believe he was the first gentleman who thought of making a serious abatement; he took off one-third of the rent, and his tenants did not run away; but all the other farmers almost in my neighbourhood took away their stock at the close of the war; at the end of the year of 1819 and 1820, the poor people who had to the extent of about 20 acres of land, took off their stock and went away in the night, leaving their rents unpaid. The next year, the people having about from 40 to 60 acres did the same; and the year after that very extensive farmers went away.

7326. Does your answer allude to those persons who hold leases?—Yes, there are very few yearly tenants in my neighbourhood.

7327. Has not the high price of land arisen in a great measure from the high competition there is for a farm when it is out of lease?—It does; however I find, so far as my experience goes, that a respectable farmer will not mind what other people propose to give at all; he will just give a fair price himself. Adventurous men who have not land will propose more, but the moment they get the farm, they will then propose for an abatement.

7328. Are there many landlords now weak enough to accept the offers of those adventurers, in preference to the lower offers of well known and respectable tenants?—Not now-a-days; but I remember a time when it was the case. During the high prices, the land of the country was seriously subdivided.

7329. Are we to understand the evil you complain of does not now exist, namely, that the lands now are not too high?—The farmer who takes a farm now will not propose an unreasonable rent.

7330. Are the lands now to be considered as fairly let?—Yes, lands that are now let.

7331. Then, according to your account of it, the country should now be going on in a thriving way, and reasonable prices and not too high rents?—People taking land now, within the last year or two, are going on well; but those that I mean to allude to are the old leases taken under the war prices, which are those that were taken before 1814.

7332. Are there many of such leases now existing without abatement?—A great many of those exist now that were made before 1814, but were abated.

7333. But without abatement?—No, not without abatement. None of them now exist, to my knowledge, without abatement; but the leases still continue.

7334. In fact, then, do you think that the abatements are not sufficiently large?—They are not sufficiently large. What I have frequently made my calculation on is this, that whatever the war price was from 1810 to 1814, take the half of the price that the land was let for from 1810 to 1814, and you arrive at the fair price of what it should be let at this present time.

7335. Do you judge by the value of the produce?—I do; butter is something better; in the prices of 1814, I got from 6*l.* 10*s.* to 6*l.* 16*s.* for my butter, per hundred, and it is now something better than half. That is the reason I keep a dairy; I see it to be the most beneficial thing from that circumstance.

Mr. John Colill.

25 July 1835.

7336. What is the market at which you dispose of your butter?—Carlow.

7337. Is there much intercourse between Carlow and the English market?—Yes, very much; I understand the butter is sent down the Barrow River to Waterford, and shipped from Waterford to London.

7338. Has the subject of tithes led at all to the agitation of the county in which you live?—I believe it has very much; the people are averse to the payment of tithe in general. I have seen a thing which I was quite surprised at, coming on the mail here: I saw from the town of Athy, until I came to Kilcullen, every bill in my sight, both right and left, planted with a tree from about 35 feet to 40 feet in height, and an embankment raised about that from 40 perhaps to 60 loads of clay and sods, as a signal through the country of paying no tithe; I asked the meaning of it, and I was told that every where all through the county of Kildare until I came to Naas, that was a signal of not paying tithes.

7339. What description of signal do they use?—They call this the tree of no tithe, raised through the whole county of Kildare as I came along: the tree was generally either an oak tree or a larch tree; a pole about the thickness of my thigh, and excessively straight.

7340. The intention of that tree and mound you speak of, is to indicate that that part of the country has turned out against tithe?—Yes.

7341. That that part of the country is "tithe free"?—Yes, that is what I was informed they intended. Those trees seem to be planted about the months of March and April, for they are all growing.

7342. Have they not been taken down?—No.

7343. When did you last see them?—I came here last Thursday.

7344. They were then growing?—Yes, they were all growing.

7345. Did you attend any of the meetings that were held for the purpose of selling cattle distrained for tithe?—No, that did not occur in the parish that I live in.

7346. Has the resistance to tithe taken place in the parish in which you live?—The tithe was not endeavoured to be collected within the last year and a half.

7347. Was no application made?—There was an application made, but the money was refused to be paid.

7348. What was the consequence?—There were no further proceedings taken.

7349. Who was the incumbent of the parish?—Archdeacon Stopford.

7350. Is that parish under the Composition Act?—Yes, since 1826.

7351. Is it compounded for by agreement or valuation?—By agreement and valuation.

7352. What is the objection to the payment of tithe?—The people there complain that the gentleman who has this tithe does not visit his parish; he has only been six times in the parish in the six years; every Easter Tuesday generally; he comes up then for the purpose of getting the church-rates put on, which are from 50*l.* to 100*l.* a year.

7353. How is the parish served; by a curate?—By two curates.

7354. Do you conceive that the duties of the parish are efficiently discharged by these two curates?—Indeed, I think they are.

7355. If the two curates discharge the business of the parish well, then the other is quite useless to the parish, is he not?—Indeed I should suppose so; two are quite sufficient.

7356. But the parish seem to be no losers by his absence, for he is well represented, is he not?—Yes.

7357. Does he reside on another living?—I understand he does, at a place called Clamore, in the county of Wicklow.

7358. What is the total amount of composition in your parish?—One thousand four hundred pounds a year.

7359. Can you state what the composition is in the Queen's County?—I do not know.

7360. Is there any lay proprietor?—No.

7361. The whole is clerical tithe?—Yes, I understand so.

7362. Do you know the extent of the parish?—I do.

7363. State it.—Something about 16,800 acres.

7364. Is it in general good land?—There are 6,000 acres of it very good land, which runs from the foot of the hill to the River Barrow.

7365. What

Mr. John Cullif.

25 July 1832.

7365. What is the state of those 6,000?—It is meadow, tillage and good pasture; I estimate those 6,000 acres at 30s. an acre, that is 9,000*l.*; I estimate the next 6,000 acres of land verging on the side of a hill, at 1*l.* an acre; I estimate the other 4,800 acres of ground at 15s., making about 18,000*l.*; that is what I consider the fair price of the land in the parish of Killabha.

7366. Have those curates that you speak of, families?—The one is Mr. Cooper, a young gentleman about 22 years of age; he lives in his father's house.

7367. Has the other any family?—He is from Wexford; the other is a single gentleman.

7368. Are they both resident?—They are.

7369. Have you attended any tithe meeting?—No.

7370. Do you pay your own tithe?—I have not paid my own tithe for the last year; for if any person was to pay, they would be visited by nightly parties, and would be in danger of death, for it is nothing less than that.

7371. And is that the reason you have not paid?—Most undoubtedly.

7372. Did you not state there was no application made to you?—There was application made to me twice; I stated I would pay when others would pay.

7373. How much tithe do you owe now?—Three half years last May.

7374. How long is it since people began to be afraid to pay their tithe?—About this time twelvemonth.

7375. Do you know what the population of the parish of Killabha is?—I believe it to be something about 17,000.

7376. Are there many Protestant families residing in it?—I think about 23.

7377. Are you a Roman Catholic or a Protestant?—I am a Roman Catholic.

7378. Is there more than one church in the parish?—There are two; one in the collieries, and another about a mile off from where I live.

7379. Then there is a clergyman and two curates paid for the service of 23 families?—Yes, that is the case; there may be more, but I believe not, according to my knowledge; there are a few Scotchmen in the colliery that I do not know, who attend the engine there, I do not include, as they have no houses.

7380. Do you believe that the tithe will be paid this year?—There is not one in the parish who has paid a single farthing.

7381. Will they in future pay?—I do not suppose they will; they are not inclined.

7382. How do you suppose this question will be set at rest?—I cannot attempt to say, except merely not to demand them of the farmer.

7383. Would you undertake the office of valuing tithe in that part of the country?—I should be very sorry even to attempt it.

7384. Do you think your life would be safe if you did?—I know it would not; I should not be alive in one hour, that I am quite certain of.

7385. Then, according to your opinion, it would be impossible to attempt the enforcement of the payment of tithe, at present, without convulsing the country?—I should suppose it would be a very dangerous thing; that is my opinion of it; not from the persons in the country who possess property, but from the young men who possess nothing in general.

7386. Then are they the opposers?—They are the persons who would oppose the collection of the tithe.

7387. Do the people who oppose the collection of it, and the people who refuse to pay tithe, do they think the Government is very favourable to the extinction of tithe altogether?—The farmers in the country had a notion that the Government would take the case into their own consideration, and pay the clergymen.

7388. Have they that notion now?—They have.

7389. Was that notion produced by an expression made use of in the House of Commons by Mr. Stanley?—No, it was not; the poor people through the country, and those young fellows who possess no property, they have not an opportunity of reading the papers, so as to become acquainted with that.

7390. Then what do you think has put it into their heads to resist?—Some time before this session commenced, it was the universal opinion of the people through the country that the tithe would be abolished; it was so stated in almost all the country papers.

7391. What gave rise to that notion?—The papers; scarce a paper in Carlow that did not state that.

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7392. Was

Mr. John Ceill.

25 July 1832.

7392. Was there any other publication that stated that?—I have not seen any, or heard of any; but the Dublin papers stated that the tithe was to be abolished, and it was expected.

7393. Did you ever hear of the famous letter of Doctor Doyle on the subject of the abolition of tithe?—I did, and read his evidence.

7394. Do you not believe that that letter was circulated very much, and the contents of it very much promulgated among the people?—There were small handbills went through the county with respect to that evidence; they were sold for a penny a piece in the town of Carlow; but the people were averse to the payment of them before that.

7395. Do not you think it encouraged them very much in their opposition, when they found the head of their church sanctioning the opposition?—I should suppose so.

7396. Can you conceive any thing more influential than that was likely to be on the lower orders of the Roman Catholic people?—I believe and I am thoroughly convinced it was a further confirmation of what they had a notion of themselves; it more confirmed them; I believe so.

7397. Have not the priests of the Roman Catholic church taken an active part also in the opposition to tithe?—Yes, so far as meetings; there have been some Roman Catholic priests who have been chairmen.

7398. Do you mean against tithe?—With respect to tithe at tithe meetings, so far as petitioning the House of Commons with regard to the abolition of tithe.

7399. And making speeches?—Yes, they have; they have presided as chairmen.

7400. Have they lent their chapels?—Not in my neighbourhood; they attended at a school-house.

7401. A Roman Catholic school-house?—Yes, they have attended at a school-house; there was but one meeting, and that I believe was something about half a year ago.

7402. Have you heard of meetings in any other parishes held in any chapels?—No, I have not.

7403. Doctor Doyle's advice to you produced some farther effect on the mind of the public as to tithe?—They were more averse to the payment of tithe than before, after reading his evidence.

7404. Would you do any thing to Doctor Doyle because he took the liberty of stating what he thought about tithe; or do not you think he had a right to state what he thought fit about tithe as a public question?—Yes; I should suppose that he thought it was right.

7405. Do not you think a Roman Catholic priest has also a very good right to declare his opinion at a meeting called a tithe meeting?—I should think he ought.

7406. You would not, I presume, send either Dr. Doyle or the priest to prison because they happened to say that tithe was a bad mode of providing for the clergy?—I should not like to do so.

7407. Do you think it an honest thing for a man to cry down the property of his neighbour?—I do not by any means.

7408. You have stated that a great deal of the agitation and discontent in Ireland arises from this question of tithe?—I should think so.

7409. Is it your opinion that making the Tithe Composition Act general all over the country will be the means of satisfying the people, and allaying their discontent?—I cannot immediately answer that; I know so far as in my own parish that the late Mr. Weldon always in dear times, when famine got in among the people (which generally takes place once in three, four, or five years), he never gave less than 30 *l.* for the support and relief of the poor, and all the farmers in my neighbourhood, generally, as I did, gave from three to five guineas; Archdeacon Stopford, of late years, refused the payment of any thing, except a small sum.

7410. Was the parish under composition at the period of the Rev. Archdeacon Stopford coming there?—It was.

7411. Was he a resident?—He was not.

7412. Did Archdeacon Stopford refuse to contribute before they refused to pay him tithe?—He did not refuse, but he gave a small sum.

7413. What sum did he give?—Ten pounds only.

7414. Have

7414. Have any persons, under the name of agitators, gone about fomenting this opposition that you have heard of?—With regard to tithes?

7415. Yes.—Not to my knowledge; I have not seen any body going about.

7416. This state of your county must have been very injurious to property in general?—It was; but now peace is returned, and tranquillity is restored every where, so far as about 20 miles around.

7417. Do you think that is likely to last?—I should think it is. All the arms have been collected; the clergymen of my parish collected 110 stand of arms; I saw 60 stand of arms myself going over to the officer commanding a division of troops within a mile of me.

7418. Within what period of time?—Something about between three weeks or a month past; I saw them going to be delivered up to the officer.

7419. Were they serviceable arms?—They were guns.

7420. Were they serviceable?—They were.

7421. Were they all of them good?—Pretty good; some bad arms; a good many blunderbusses, a good many pistols, and a good many carbines; and among the rest was a clergyman's arms, by the name of Trench.

7422. Do you attribute that at all to the special commission, or to the interference of the clergy?—I should think to the interference of the clergy. Doctor Doyle went through the collieries, preached there different days, and the clergymen have all exerted themselves much within the last five or six weeks. The people have declined going on legislating, as they generally have done, and have returned to their industry. I find that a great many labourers who I was in the habit of employing, are cheerfully coming round to me now, whom I could not get last winter. There is one thing that I should propose; there is an immense colliery in my neighbourhood, which is the property of Sir Edward Johnson, which originally had employed, better than 30 years ago, a great many hands; there is a most invaluable plain of coal, I should suppose of 100 acres, and I should think something like 5,000*l.* or 6,000*l.* would erect an engine, and at least 400 men would be employed for 30 years. I would forfeit any sum, that if an ingenious man took possession of that, and began the works, that he would make from 2,000*l.* to 4,000*l.* a year, with laying out about 6,000*l.*

7423. Is it your opinion that the great source of discontent in that country, Ireland, generally is the want of employment?—I cannot say that of Ireland; but most undoubtedly in my county 830 colliers have been thrown out of employment, which is a very serious thing in a small district of country.

7424. What feeling exists between the magistrates, gentlemen, and people of the middle classes, and the lower classes?—The feeling among the gentlemen in my neighbourhood, and the middle classes, is a very good one; and indeed the feeling of the poor is much the same with the gentlemen; but the feeling between the farmers and the lower classes is very bad.

7425. To what do you attribute that?—It was against the farmers, in fact, the poor people turned out.

7426. Why?—They considered that their wages were not sufficient, for the wages that I pay my men are 6*d.* a day, and nobody in the county pays more. The first thing they did was to serve a notice on the farmers that their diet should be improved; to that the farmers consented, and improved their diet so far as to give them meat once a week, and sometimes twice a week.

7427. Sixpence a day, independent of food?—Sixpence a day and food, they got that: the next they turned out for was 8*d.* a day, to raise their wages 2*d.*; so that I do not know; no farmer consented any where in my neighbourhood. The next thing they did was to serve the farmers with notice that they would not work at less than 1*s.* a day, for 10*d.* was what they were in the habit of giving, and I do not know a farmer who consented to give 1*s.* a day, except for the lime-burners.

7428. Were they to keep them besides the 1*s.* a day?—No, they were not to keep them and pay that.

7429. What was the 8*d.* a day to do?—That was the intended 8*d.* and diet, raising 2*d.* a day. They have not got 1*s.* any where except for lime-burners; and the reason the 1*s.* is given for lime-burners is, that they generally labour for 14 hours a day.

7430. How much may the maintenance of a common workman of that kind

Mr. John Cain.

25 July 1839.

stand you in?—It is something about 2 d. a day, or a little more; he eats about a stone of potatoes.

7431. You do not include any thing but potatoes?—It is potatoes and milk he gets; perhaps he gets a little *stir-about* three times a week; I generally give them meat twice a week.

7432. Do you think that is or is not adequate wages, and sufficient wages for workmen, considering the farmers' means of paying them?—Before the war closed I never gave a man so small a sum as that.

7433. But now?—I do not suppose it is enough; I should suppose a man ought to have 1 s. a day, without diet.

7434. Did they not make the same demands on the higher class of gentry that they did on the farmer?—No, the higher class of gentry they excluded from any trouble of the country.

7435. Then you consider these aggressions on the part of the combinationers were directed solely against the farmers?—Most undoubtedly.

7436. Do the farmers consider that they get sufficient assistance from the higher orders after these demands had been made on them?—No, they do not; the farmer has been ill protected during the troubles, very ill indeed.

7437. Has not the want of protection led to a distrust and bad feeling between the higher orders and the middle orders?—Not much; for the middle orders do not blame the gentlemen of the country much, for not taking an active part; such, for instance, as Mr. Cooper, in my neighbourhood; he is a young gentleman lately come of age; he has his hounds, and he is hunting through the country, and minds nothing; the people delight in being along with him and hunting the hounds, and they like to see him chasing out. There is Mr. Fishbourne; he is constantly engaged in his farms; he does not take an active part, he is constantly minding his own farms. Mr. Stapleton, a magistrate and a lawyer, constantly in Dublin, and was not much in the country, and does not much mind the state of the country. Mr. Gale is in the Temple here; another magistrate, out of the country, Colonel Rochfort, constantly here, so that the country was in the hands of a few magistrates that did not much mind it; there was nobody laid hands on them or did any injury to their stock, their corn, or their cattle; they were not injured as much as 6 d. in the parish I allude to.

7438. Do you mean to convey to the Committee that none of the stock or property of the magistrates, the higher orders, were injured during the disturbances?—Not to my knowledge in my parish; it could not happen without my knowledge.

7439. Then the farmers and the middle orders were the only sufferers from these aggressions?—They were.

7440. Are the middle orders, in your neighbourhood, chiefly Catholics or Protestants?—Chiefly Catholics; still there are a good many Protestants.

7441. Have you found these attacks have been made indiscriminately on the Catholics as well as the Protestants?—They have much the same, I think, in my neighbourhood.

7442. The Whitefeet do not appear, then, to have any predilection or hostility more to one religion than the other?—I should think not indeed; I found by experience, that, in fact, the Protestants were more spared than the Catholics; a good deal more.

7443. How do you account for that?—I cannot say; I found it so in my neighbourhood; I found that not one of them was abused; it was not the same with the Catholics, they were seriously abused.

7444. Do you, then, consider that this disturbance or insurrection had any thing whatever of a religious character about it?—I do not consider that it had the slightest.

7445. Did you ever hear the oath by which those Whitefeet are bound together?—No, I never heard the oath in all my life; there was a gentleman going to tell it to me once, but he did not at my own request.

7446. Since 1829, when the Catholic emancipation took place, has any change whatever taken place in the peasantry, their feelings and habits?—I will tell the Committee the change that has taken place; all those people who style themselves Whitefeet, say they have got nothing by emancipation; that it was the middle orders of the Roman Catholics that got the whole benefit.

7447. The Whitefeet are the very lowest order?—They are; I have been at the assizes at Moryborough for nine days. I have been summoned there as

a juror,

a juror, and I have not seen, in all the people who were examined, nor do I know of any man that was ever connected with them, worth as much as 20*l.* They are all poor people, who are not, for all that I ever saw, one of them worth 10*l.* in the world.

7448. Then the better order of Catholics, those from the Whitefeet upwards, how have they been affected by emancipation, in point of feeling and character, and all that?—The better orders?

7449. Yes.—The better orders are highly pleased; the middle orders are also very well pleased; their mind is at rest; there is no trouble; but it has divided the middle and lower orders completely.

7450. Then it has been beneficial in its effects with respect to all such classes, except the vagabonds, who are called the Whitefeet?—I should suppose so.

7451. Do you wish to adopt the word *vagabonds*, as applied to the Whitefeet?—I should be very sorry to do so.

7452. Do you not conceive them the lowest order of people?—Yes, I do; but I should not apply to them the expression of *vagabonds*.

7453. If the middle orders joined cordially with the gentlemen and magistrates, why should they not be enabled to put a stop to this combination?—I conceive they would be able so to do if they were to combine for that purpose. If an association of volunteers was formed for that purpose it could be done, and it would likewise have the effect of doing away with the necessity of a police establishment, which for the last half-year was 2,304*l.* 5*s.* 11*d.*, and for this half-year it will be 3,800*l.*, there is such an extraordinary addition of police in the county at large; that would be a saving to the county at large of 6,000*l.* a year.

7454. Is it your opinion that the occupying tenant would be benefited by the abolition of tithes?—Most certainly; no doubt of it.

7455. Do you suppose that the landlords would not avail themselves of the advantages by the re-setting of their lands?—I do presume they might; but still it would be a good source for quieting the country, that the name of tithe should not be mentioned at all; suppose it was put in another shape.

7456. The question is to ascertain whether, if the tithe was abolished altogether, the landlord, or the *landholders*, would derive a benefit?—I should suppose to the tenant it would make very little difference if the tithe was abolished; the land would be raised on the tenants.

7457. Does not tithe-free land bring a proportionate higher rent?—Most undoubtedly; because the farmer of course will then pay a dearer rent.

7458. And therefore the abolition of tithe would neither serve the occupier nor injure the landlord?—I do not suppose it would; not the slightest.

7459. The landlord would get an increased rent, and the tenant would pay an increased rent?—He would.

7460. Do you think, in general, that the tithe is a tenth of the value of the land?—I know it is more with us.

7461. Under the Composition Act?—Yes; I have one farm that I pay 2*s.* 8½*d.* an acre for, and I have that for 1*l.* 1*s.* an acre; so that it is more than one tenth. I have another farm I pay 17*s.* 4*d.* an acre, and for that I pay 2*s.* 9*d.* an acre, that is about one-seventh.

7462. If that farm was in the market now, would it bring more rent than what you pay for it?—At least twice that sum.

7463. Is that owing to what you have done to it?—No, I have had it on an old long lease.

7464. The question is, is the tithe that is paid a tenth of the actual value of the land?—I believe it is pretty near it. The calculation that I made of the parish, valuing the parish at 18,000*l.*, and 1,400*l.* a year with the cesses, making it 1,500*l.* is pretty nearly the tenth.

7465. If the tithe be, as you say, more than the value of the land, how do you make it out that 1,400*l.* a year, which is the tithe of your parish, is more than a tenth of 18,000*l.*, at which you estimate the value? How do you reconcile the answer, the tithe is more than a tenth, with your own estimate of the value of the parish, compared with the tithe it actually pays?—I am not talking of the value of the parish, I am talking of the farms I have myself.

7466. The question was, not as to any comparison of your own tithe, but whether the tithe was generally a tenth of the actual value of the land?—It is less.

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7467. Then,

Mr. John Cobill.

25 July 1832.

Mr. John Cahill.

25 July 1832.

7467. Then, now understanding the question to apply to the actual value of the land, your answer is, that the tithe in general is less than the value of the tenth?—It is.

7468. The question asked you was not, is the tithe in your parish more or less than a tenth, but did your answer mean the tithe under composition, or other tithe?—I mean the tithe under composition.

7469. The object of the Composition Act is to throw tithe on land which before did not pay tithe; is that therefore a fair way to consider it?—All the parish I live in paid tithe before the composition.

7470. At the time it paid tithe before the Composition Act; take the comparison then; was not the tithe then a full tithe?—I should suppose it was very near it; we would not have entered into the composition if we had understood the Act. The farms that are in my place, round about where I live, within about two miles of me, contain about 24 or 25 dairies; we were mostly in the grass way at this time; and the calculation I made was of 9,000 acres, from where I live to the Barrow, putting the whole together in one mass, without taking into calculation the goodness of the land, about two or three thousand acres, where I was; for what I was always in the habit of paying in the parish, was 10s. 10d. an acre for wheat, 10s. 10d. an acre for barley, and 8s. 8d. for potatoes, 7s. 7d. an acre for oats, and 10s. 10d. for bear; and the people of the low country paid 10s. 10d. an acre, as well as us who had the rich land; we made this calculation, that they should be debited just in the same way as we were; but we were quite surprised when the value of the land was afterwards taken into calculation, because we then paid at least one-third by the acre more than the people paid down in the lower part, although we paid no more by the acre. Only for the obscurity of the Act, the composition would never have been entered into; it was then the people of the rich ground began to break the lands.

7471. Supposing you had now, we will say 500,000*l.* to raise on all the land in Ireland by a land-tax, would you conceive it a fair thing to levy that tax on the principle of the Tithe Composition Act?—I should suppose so.

7472. Would it come to a different result from laying it on all the land equally?—What I stated before was, that was the way we were in the habit of doing at that time.

7473. Would not that be the fair way?—It would be the fair way.

7474. Then it would be a fairer way to levy this 500,000*l.* on the land, not under the composition principle, but the previous one?—Why, I should suppose it to be the fairest way to levy that 500,000*l.* according to the improved value of the land.

7475. Not with reference to its being grass land or culture land, but with respect to the actual value of the land at the time?—Certainly.

7476. Whatever it might be?—Yes.

7477. How does that differ from the principle on which the composition is levied under the Tithe Composition Act?—It differs nothing.

7478. Would it not be a very advisable thing that there should be an authority to visit the houses of the lower orders to ascertain whether they were in their houses, during a disturbed period, in the night?—That is constantly done.

7479. Do you not think it is a very useful thing?—I should think so; it is constantly done by the police; they patrol; they go into the houses.

7480. But the question alludes to a power to go into the houses to see if the people were actually at home?—I believe it would have been a good plan heretofore; but now the country is saved from all the trouble.

7481. When the country is disturbed, do not you think it would be an advisable measure to have an authority actually to enter the house and ascertain whether the people are at home or not?—I believe it would be a great check on the people to remain in their own houses.

7482. Do you remember the Queen's County in such a state of disturbance as to make such a measure as that advisable?—I reckon the Queen's County, so far as within 15 or 16 miles of me, to be in as perfect a state of tranquillity as it was within these last 20 years.

7483. You would not think it right now that the police should enter a man's house and disturb his family at night?—I see no occasion for it; when the arms were in the hands of the people as they were before, it might be done; but the people have given up their arms.

7484. Do

7484. Do not you think the existence of such a law, to be enforced whenever disturbances might occur, would be a good prevention?—I believe it would deter people very much.

7485. To whom would you give the power of visiting?—If such a power as that was given, I would give the power to no one but a magistrate, and not by any means to a police officer.

7486. Should you think that would tend to make the magistrates unpopular?—I do not conceive it would do harm.

7487. Would it do harm with people of sense, who really wish for the welfare of their country?—As to any independent person, I conceive it would be an insult on them.

7488. Would it make the magistrates who exercised the power, unpopular with any person of property and sense?—I should think not; I should think the farmers would be very glad of it.

Mr. John Cullen.

25 July 1828.

